

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DANIEL AGUILAR,

Petitioner,

ORDER

v.

05-C-0702-C

PHIL KINGSTON, Warden,  
Waupun Correctional Institution,

Respondent.

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Daniel Aguilar, a Wisconsin inmate confined at the Waupun Correctional Institution in Waupun, Wisconsin, has filed an application for the issuance of a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has paid the five dollar filing fee. The petition is before the court for preliminary review pursuant to Rule 4 of the Rules Governing Section 2254 Cases.

According to the petition, petitioner is serving a 30-year sentence pursuant to a 1996 judgment of conviction entered by the Circuit Court for Racine County for armed robbery and reckless endangerment. The subject of the petition is an August 17, 2003 decision of a prison disciplinary committee finding petitioner guilty of conduct violations while he was housed at an out-of-state correctional facility. Petitioner alleges that he has suffered a loss of 180 days of good time credit as a result of what he contends was a procedurally deficient decision by the prison disciplinary committee.

Petitioner's action for the restoration of good time credits is properly brought in a petition under § 2254. Preiser v. Rodriguez, 411 U.S. 475, 487-89 (1973); Walker v. O'Brien, 216 F.3d 626, 633 (7th Cir. 2000). Moreover, the petition sets forth plausible constitutional challenges based on alleged equal protection and due process violations. However, this court is not the proper venue for his petition. Under 28 U.S.C. § 2241(d), a prisoner in custody under the judgment of a state court in a state having two or more federal judicial districts can file an application for a writ of habeas corpus either in the district in which he is in custody or in the district in which he was convicted. According to the petition, petitioner was convicted in Racine County. Because both Racine County and Waupun are in the eastern district of Wisconsin, petitioner must file his habeas petition in that district.

Because of the one year limitation period imposed by the Antiterrorism and Effective Death Penalty Act, I find that it is in the interest of justice to transfer this case to the United States District Court for the Eastern District of Wisconsin. Accordingly,

#### ORDER

IT IS ORDERED that the clerk of court is to transfer this case to the United States

District Court for the Eastern District of Wisconsin pursuant to 28 U.S.C. § 2241(d).

Entered this 5th day of December, 2005.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge