

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

DANNY L. PETERSON,

Petitioner,

ORDER

v.

06-C-0474-C

JODINE DEPPISCH, Warden,
Fox Lake Correctional Institution,

Respondent.

Petitioner Danny L. Peterson, an inmate at the Fox Lake Correctional Institution in Fox Lake, Wisconsin, has filed a petition for a writ of habeas corpus in which he challenges the lawfulness of his custody stemming from his February 26, 2003 conviction in the Circuit Court for Milwaukee County for possession with intent to deliver cocaine. Pursuant to 28 U.S.C. § 2241(d), a petitioner who is in custody under the judgment and sentence of a state court in a state like Wisconsin containing two or more federal judicial districts may file his petition either in the federal district court for the district where he is in custody or in the federal district court for the district within which the state court was held that convicted and sentenced him. Both the Fox Lake Correctional Institution, located in Dodge County, and the Circuit Court for Milwaukee County are located in the Eastern District of Wisconsin. Therefore, under § 2241(d), the proper venue for this action is the Eastern District of Wisconsin.

Because of the time constraints placed on the filing of habeas petitions by § 2244(d), I find that it is more just to transfer petitioner's application to the Eastern District of Wisconsin for further hearing and determination, as allowed by § 2241(d), than to direct him to refile his petition in that court. Accordingly,

ORDER

IT IS ORDERED that the clerk of court shall transfer the petition to the United States District Court for the Eastern District of Wisconsin pursuant to § 2241(d).

Entered this 31st day of August, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge