

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

LLOYD T. SCHUENKE,

Petitioner,

v.

UNITED STATES OF AMERICA,
BARACK OBAMA, United States President,
UNITED STATES CONGRESS,
STATE OF WISCONSIN, COUNTY OF MILWAUKEE,
CITY OF MILWAUKEE,
JAMES E. DOYLE, Wisconsin Governor,
WISCONSIN STATE LEGISLATURE,
RICK RAEMISCH, Secretary of Corrections and
MICHAEL S. THURMER, Warden Waupun Correctional
Institution,

Respondents.

Lloyd Schuenke, an inmate at the Waupun Correctional Institution in Waupun, Wisconsin, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has paid the \$5 filing fee. In his petition he challenges several convictions and sentences imposed by the Circuit Court for Milwaukee County between 1986 and 2009.

Under 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 Waupun Correctional Institution, located in Dodge County, and the Circuit Court for Milwaukee County are located in the Eastern District of Wisconsin. Wis. Stat. § 302.02(1m)(a). 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.

ORDER

IT IS ORDERED that the clerk of court shall transfer petitioner Lloyd Schuenke's petition for a writ of habeas corpus to the United States District Court for the Eastern District of Wisconsin pursuant to § 2241(d).

Entered this 13th day of January, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge