

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BYRON REID,  
Petitioner :  
 :  
v :  
 :  
IMMIGRATION AND NATURALIZATION : 03-CV-1583  
SERVICE; JOHN ASHCROFT, Attorney :  
General of the United States; :  
JAMES ZIGLAR, Commissioner of the :  
Immigration and Naturalization :  
Service, :  
Respondents

McLaughlin, J.

May 29, 2003

MEMORANDUM AND ORDER

The pro se petitioner, Byron Reid, has filed a petition for a writ of habeas corpus, requesting that this Court order the Immigration and Naturalization Service ("INS") to: (1) vacate his previously entered final deportation order of 1996; (2) vacate his current deportation order for unlawful re-entry into the United States; and (3) release him from custody. The government has filed a motion to transfer the case to the United States District Court for the Northern District of Illinois. The Court **will** grant the government's motion.

The petitioner, a native and citizen of Jamaica, pled guilty to manufacture, delivery, or possession with intent to

manufacture or deliver a controlled substance, and two counts of knowing possession of a controlled substance in Philadelphia Municipal Court. After completing his state court sentence, Mr. Reid was deported on October 24, 1996. Mr, Reid then reentered the United States; and, on December 4, 1997, he pled guilty to illegal reentry by an alien after deportation in this Court. Mr. Reid was sentenced to federal prison and, upon his release from the Federal Correctional Institution in Pekin, Illinois, was transferred to INS custody on November 8, 2002. The petitioner **was** deported on April 7, 2003

The government argues that although venue is proper in this district, the Northern District of Illinois is a more convenient forum because the petitioner was in custody in Broadview, Illinois, at the time he filed the petition and his immigration file is located in Broadview, Illinois.

The Court has the power to transfer a habeas petition pursuant to 28 U.S.C. sec. 1404(a) "[f]or the convenience of parties and witnesses, in the interest **of** justice" to any other district . . . where it might have been brought." See Braden v. 30<sup>th</sup> Judicial Circuit Court, 410 **U.S.** 484, 493-94 (1973). This case could have been brought in the Northern District of Illinois. See 28 U.S.C. sec. 2241 (d) (an application for a writ of habeas corpus "may be filed in the district court for **which** the district wherein such person is in custody. . . .").

In considering a motion to transfer a habeas petition, the Court should consider : (1) "where all of the material events took place;" (2) where "the records and witnesses pertinent to petitioner's claim are likely to be found;" and (3) the convenience of the forum for both the respondent and the petitioner. Braden, 410 U.S. at 493-94. In this case, the petitioner is challenging only his deportation orders and not his underlying convictions that took place in this district. The records and any witnesses are located in the Northern District of Illinois where Mr. Reid's immigration files are located and where **Mw.** Reid was located before he was deported. The Court, therefore, will transfer this case to the Northern District of Illinois.

An appropriate order follows.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BYRON REID,  
Petitioner

v

IMMIGRATION AND NATURALIZATION  
SERVICE; JOHN ASHCROFT, Attorney  
General of the United States;  
JAMES ZIGLAR, Commissioner of the  
Immigration and Naturalization  
Service,

Respondents

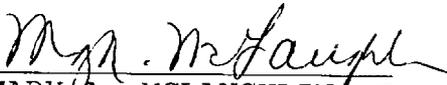
:  
:  
:  
:  
:  
:  
:  
:

03-CV-1583

ORDER

And now, this 29<sup>th</sup> Day of May, 2003, upon  
consideration of the Government's Motion for Transfer of Venue  
Over Habeas Petition (Docket #5), it is hereby ordered and  
decreed that said motion is granted and this case is transferred  
to the Northern District of Illinois for the reasons stated in a  
memorandum of today's date.

BY THE COURT:

  
MARY A. MCLAUGHLIN, J.