

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MICHAEL L. GILYARD,

Petitioner,

vs.

No. 12-01154

BRADLEY J. ROBERT,

Respondent.

AMENDED ORDER

HERNDON, Chief Judge:

Michael L. Gilyard, an Illinois state prisoner, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petitioner challenges, on multiple grounds, his sixty year sentence for felony murder predicated on home invasion. As of the date of this Order, the record reflects that petitioner has been transferred to the Danville Correctional Center located in the Central District of Illinois.

The petitioner was convicted in Lake County, Illinois. Lake County lies within the Northern District of Illinois federal judicial district. *See* 28 U.S.C. § 93(a). Under 28 U.S.C. § 2241(d), a state prisoner is authorized to file a petition for a writ of habeas corpus in either the federal judicial district of his confinement or the federal judicial district of his conviction. However, given the ready availability of court records and, if necessary, potential witnesses, the district in

which the prisoner was convicted is generally considered the more convenient of the two. *See Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 493-94 (1973).

Accordingly, finding the district of conviction a more desirable forum of this action, the Court, pursuant to the discretion granted it under 28 U.S.C. § 2241(4), ORDERS this action transferred to the United States District Court for the Northern District of Illinois at Eastern Division for preliminary consideration under Rule 4 of the Rules Governing Section 2254 Cases. This case is closed on the Court's docket.

IT IS SO ORDERED.

Signed this 7th day of January, 2013.

Digitally signed by
David R. Herndon
Date: 2013.01.07
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The image shows a digital signature in blue ink that reads "David R. Herndon". To the right of the signature is a circular official seal of the United States District Court for the Southern District of Illinois. The seal features an eagle with wings spread, holding a shield on its chest, and is surrounded by the text "UNITED STATES DISTRICT COURT" and "SOUTHERN DISTRICT OF ILLINOIS".

**Chief Judge
United States District Court**