

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GEORGE M. RIGGLE,	§	
TDCJ-CID No. 689985	§	
<i>Petitioner,</i>	§	
	§	
vs.	§	CIVIL ACTION H-06-1136
	§	
NATHANIEL QUARTERMAN, DIRECTOR,	§	
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,	§	
CORRECTIONAL INSTITUTIONS DIVISION,	§	
<i>Respondent.</i>	§	

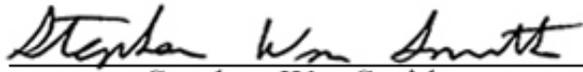
MEMORANDUM AND RECOMMENDATION

Petitioner George Riggle filed this application for writ of habeas corpus relief under 28 U.S.C. § § 2241, 2254. Riggle is currently in the custody of the Texas Department of Criminal Justice for failing to participate in sex offender treatment, a condition of his release. Federal habeas corpus petitions brought by state prisoners “may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him.” 28 U.S.C. § 2241(d). Riggle is in custody pursuant to two judgments and sentences from the 362nd Judicial District Court of Denton County, Texas, which is within the jurisdiction of the United States District Court for the Eastern, District of Texas, Sherman Division. When Riggle filed this petition, he was confined at the Hightower Unit of the Texas Department of Criminal Justice, Correctional Institutions Department, which is within the jurisdiction of the United States District Court for the Eastern District of Texas, Beaumont Division. Because Riggle was neither convicted or confined in the Southern District of Texas, this court does not have

jurisdiction over his habeas petition. The court therefore recommends that this case be transferred to the United States District Court for the Eastern District of Texas, Sherman Division.

The parties have ten days from service of this Memorandum and Recommendation to file written objections. Failure to file timely objections will preclude appellate review of factual findings or legal conclusions, except for plain error. *See* Rule 8(b) of the Rules Governing Section 2254 Cases; 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72.

Signed at Houston, Texas on October 26, 2006.



Stephen Wm Smith
United States Magistrate Judge