

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

BRENT MOSER,	§	
Petitioner,	§	
	§	
v.	§	CIVIL ACTION NO: H-08-535
	§	
NATHANIEL QUARTERMAN,	§	
Director of the Texas Department	§	
of Criminal Justice - Correctional	§	
Institutions Division,	§	
Respondent.	§	

**MEMORANDUM AND RECOMMENDATION**

Petitioner filed a petition for writ of habeas corpus challenging his conviction for possession of cocaine. Respondent has filed a motion to dismiss or in the alternative to transfer his petition (DKt. 10). An application for writ of habeas corpus by a person in state custody must be filed in the federal district in which the person is confined, or in which the person was convicted and sentenced. 18 U.S.C. § 2241(d). Moser was convicted and sentenced by the 195th district court for Dallas County, Texas, which is within the Northern District of Texas. Moser has been released on parole,<sup>1</sup> but prior to his release was confined in the Stiles Unit in Beaumont, Texas, which is within the Eastern District of Texas.

The court recommends that respondent's motion (Dkt. 10) be granted in part and this case be transferred to the United States District Court for the Northern District of Texas.

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

---

<sup>1</sup> Moser has filed a change of address (Dkt. 11) indicating he currently lives in Dallas, Texas.

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 April 15, 2008.

  

---

Stephen Wm Smith  
United States Magistrate Judge