

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

ENZIO AUGUSTINO RANDAZZIO POWELL,	§	
<i>Petitioner,</i>	§	
	§	
vs.	§	CIVIL ACTION H-07-1752
	§	
NATHANIEL QUARTERMAN,	§	
Director of the Texas Department	§	
of Criminal Justice - Correctional	§	
Institutions Division,	§	
<i>Respondent.</i>	§	

**MEMORANDUM AND RECOMMENDATION**

Petitioner Enzo Augustino Randazzio Powell, an inmate of the Texas Department of Criminal Justice, has filed a federal petition for a writ of habeas corpus under 28 U.S.C. § 2254, which has been referred to this magistrate judge for report and recommendation. (Dkt. 4).

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). Powell is in custody pursuant to a sentence from the 22nd Judicial District Court of Hays County, Texas, which is within the jurisdiction of the United States District Court for the Western District of Texas. When Powell filed this petition, he was confined at the Allred Unit in Wichita County, Texas, which is within the jurisdiction of the United States District Court for the Northern District of Texas.

Because Powell was neither convicted nor 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 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 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 July 17, 2007.

  
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Stephen Wm Smith  
United States Magistrate Judge