

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

RICHARD L. KIGER,

Petitioner,

v.

CASE NO. 07-3095-SAC

PAUL MORRISON,

Respondent.

O R D E R

This petition for writ of habeas corpus, 28 U.S.C. 2254, was filed by an inmate of the Lansing Correctional Facility, Lansing, Kansas. Petitioner seeks to challenge his conviction by the State of Nevada, for securities fraud based upon his plea of guilty entered in a state court in Las Vegas, Nevada, in November, 2004. Petitioner alleges he did not directly appeal this conviction. He further alleges that in 2006, he unsuccessfully pursued a Motion to Correct Illegal Sentence, as well as a habeas corpus action in the Nevada state courts including the Supreme Court of the State of Nevada based upon claims including ineffective counsel and that the court lacked jurisdiction.

Petitioner has not paid the filing fee of \$5.00 or submitted an application for leave to proceed without prepayment of fees together with a certified statement of his inmate account in accordance with 28 U.S.C. 1915. He must satisfy the filing fee in one of these two ways before his action may proceed.

Furthermore, while this court technically has jurisdiction over petitioner's habeas corpus claims during his incarceration in this

district, this is not the proper venue for him to litigate challenges to a conviction entered in the State of Nevada. See Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 489-93 (1973). The state charges on which the conviction is based obviously arose in the State of Nevada, and Nevada state law or procedure may be at issue. The officials involved in obtaining and executing the conviction are Nevada state employees. It follows that this matter should be determined by a federal court with authority in the State of Nevada. Accordingly, this court finds this matter should be transferred to the United States District Court for the District of Nevada for determination.

Petitioner shall be given twenty (20) days in which to satisfy the filing fee as directed, and to show cause why this action should not be transferred to the United States District Court for the District of Nevada for all further proceedings.

IT IS THEREFORE ORDERED that petitioner is given twenty (20) days in which to either submit the filing fee or a motion for leave to proceed in forma pauperis as directed herein, and to show cause why this action should not be transferred to the United States District Court for the District of Nevada.

The clerk is directed to transmit copies of the forms for filing an in forma pauperis motion to petitioner.

IT IS SO ORDERED.

Dated this 7th day of May, 2007, at Topeka, Kansas.

s/Sam A. Crow

U. S. Senior District Judge