

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
Miami Division

Case Number: 08-21610-CIV-MARTINEZ-WHITE

CLARENCE A. BROWN,

Petitioner

vs.

CLAUDE CHESTER, WARDEN,

Respondent.

**FILED**  
AUG - 1 2008  
By: [Signature] Deputy Clerk  
08-3193-RDR

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT RECOMMENDING  
TRANSFER OF VENUE**

This matter was referred to the Honorable Patrick A. White, United States Magistrate Judge for preliminary screening of Clarence A. Brown's *pro se* petition for writ of habeas corpus and a report and recommendation on any dispositive issues. (D.E. No. 2). Mr. Brown was convicted of various drug charges in the Southern District of Florida after he entered a guilty plea in case no. 07-20451-cr-Cooke, but he is currently confined at the Federal Penitentiary in Leavenworth, Kansas. He has filed for a petition for writ of habeas corpus to challenge the lawfulness of the Bureau of Prisons' ("BOP") early release policy pursuant to title 28, United States Code, Section 2241. More specifically, he argues that the BOP applies the early release policy in a selective and discriminatory manner by only granting early release to inmates who received enhancements for possession of a firearm and are housed in institutions within the Ninth Circuit. (D.E. No. 1 at 12).

On June 27, 2008, the Magistrate Judge filed a Report which recommended that this action be transferred to the Judicial District of Kansas where Mr. Brown is confined. The

Magistrate Judge notes that transfer is appropriate here because section 2241 habeas petitions can only be brought in the district court for the district where the inmate is confined. (*Id.* at 2) (citing *Fernandez v. United States*, 941 F.2d 1488, 1495 (11th Cir. 1991) and *Hajduk v. United States*, 764 F.2d 795 (11th Cir. 1985)).

Although the Magistrate Judge advised the Petitioner that he could file objections to the report within 10 days of receiving a copy, the Petitioner has declined to file any objections. After reviewing the Magistrate Judge's Report and the entire record in this case, the Court finds that the Magistrate Judge's recommendation is well reasoned and accurately states the applicable law.

Therefore, it is:

**ADJUDGED** that United States Magistrate Judge 's Report Recommending Transfer of Venue (**D.E. No. 3**) is **AFFIRMED** and **ADOPTED**. Accordingly, it is

**ADJUDGED** that

1. The Clerk of the Court is **DIRECTED** to transfer this case to the Judicial District of Kansas.

2. This case is **CLOSED** and all pending motions are **DENIED** as moot.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 24th day of July, 2008.

  
JOSE E. MARTINEZ  
UNITED STATES DISTRICT JUDGE

Copies provided to:

- Magistrate Judge White
- Clarence Brown, *Pro se*  
Reg #79547-004  
FPC-Leavenworth, Kansas
- Lucy Lara, Case Assignment Adm.
- All Counsel of Record

