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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES EDWARD JENKINS,
Petitioner,
v.
YAVAPAI SUPERIOR COURTS,
Respondent.

1:18-cv-00031-MJS (HC)

ORDER TRANSFERRING CASE TO THE
UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF ARIZONA

Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

Venue for a habeas action is proper in either the district of confinement or the district of conviction. 28 U.S.C. § 2241(d). The district court for the district wherein such

1 an application is filed may, in the exercise of its discretion and in furtherance of justice,
2 transfer the application to the other district court for hearing and determination. Id.

3 It is preferable for petitions challenging a conviction or sentence to be heard in the
4 district of conviction and for petitions challenging the manner in which the sentence is
5 being executed to be heard in the district of confinement. Dunne v. Henman, 875 F.2d
6 244, 249 (9th Cir. 1989). In this case, it appears that Petitioner is challenging a
7 conviction from Yavapai County, which is in the District of Arizona. Therefore, the
8 petition should have been filed in the United States District Court for the District of
9 Arizona.

10 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the
11 United States District Court for the District of Arizona.

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13 IT IS SO ORDERED.

14 Dated: January 9, 2018

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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