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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH WAYNE MILLS,

Petitioner,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION,

Respondent.

No. 2:17-cv-0873-JAM-EFB P

ORDER

Petitioner is a state prisoner without counsel seeking a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.¹ He is incarcerated at the California Medical Facility in Solano County, which lies in this district. However, his petition challenges a 2005 conviction for aggravated mayhem imposed by the Los Angeles County Superior Court, which lies in the United States District Court for the Central District of California. While both this court and the United

¹ Petitioner commenced this action with a petition for writ of habeas corpus, but subsequently filed two civil rights complaints. ECF Nos. 1, 8, 12. Accordingly, on July 27, 2017, the court directed petitioner to file an amended pleading notifying the court whether he wished to proceed with this matter as a habeas action or as a civil rights action. ECF No. 14. The court informed petitioner that if he failed to provide such guidance, the matter would proceed on his initial habeas petition. Petitioner then filed two more civil rights complaints and another habeas petition. ECF Nos. 16, 20, 23. Having failed to guide the court as ordered, this action will proceed on petitioner's initial habeas petition.

1 States District Court in the district where petitioner was convicted have jurisdiction, *see Braden v.*
2 *30th Judicial Circuit Court*, 410 U.S. 484 (1973), any and all witnesses and evidence necessary
3 for the resolution of petitioner's application are more readily available in the county of
4 conviction. *Id.* at 499 n.15; 28 U.S.C. § 2241(d).

5 Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that this matter is
6 transferred to the Western Division of the United States District Court for the Central District of
7 California.

8 DATED: September 12, 2017.

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EDMUND F. BRENNAN
10 UNITED STATES MAGISTRATE JUDGE
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