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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY B. TILLMAN,

Plaintiff,

No. CIV-S-09-3265 KJM P

vs.

JAMES D. HARTLEY, et al.,

Defendants.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.¹ In his application, petitioner challenges the execution of his sentence. He is confined in Kings County which lies within the jurisdiction of the Fresno division of this court. When a prisoner challenges the execution of his sentence, the preferable venue is the court with jurisdiction over the place where the prisoner is confined. See Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989).

Pursuant to Local Rule 3-120(f), a civil action which has not been commenced in the proper division of a court may, on the court’s own motion, be transferred to the proper

¹ While petitioner presents his claims on the court’s form-complaint for violations of civil rights alleged by prisoners under 42 U.S.C. § 1983, the court construes this action as one for writ of habeas corpus under 28 U.S.C. § 2254 because petitioner seeks release from prison. See Preiser v. Rodriguez, 411 U.S. 475, 500 (1973).

1 division of the court. Therefore, this action will be transferred to the Fresno Division of the
2 court.

3 Good cause appearing, IT IS HEREBY ORDERED that:

4 1. This action is transferred to the United States District Court for the Eastern
5 District of California sitting in Fresno; and

6 2. All future filings shall reference the new Fresno case number assigned and
7 shall be filed at:

8 United States District Court
9 Eastern District of California
10 1130 "O" Street
11 Fresno, CA 93721

11 DATED: December 3, 2009.

12 
13 U.S. MAGISTRATE JUDGE

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