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

LEO SCHWARTZENBERGER,

1:10-cv-00227 YNP (HC)

Petitioner,

ORDER TRANSFERRING CASE TO THE  
UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF  
CALIFORNIA

vs.

WARDEN F. GONZALES,

Respondent.

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28 U.S.C. § 2254.

Venue for a habeas action is proper in either the district of confinement or the district of conviction. 28 U.S.C. A. § 2241 (d). However, it is preferable for petitions challenging a conviction or sentence to be heard in the district of conviction while petitions challenging the manner in which the sentence is being executed be heard in the district of confinement. Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989).

In this case, the petitioner is challenging a conviction from Contra Costa County, which is in the Northern District of California; therefore, the petition should have been filed in the United States District Court for the Northern District of California. In the interest of justice, a federal court may transfer a case filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d

1 918, 932 (D.C. Cir. 1974).

2 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States  
3 District Court for the Northern District of California.

4 IT IS SO ORDERED.

5 Dated: March 12, 2010

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE

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