

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 IVAN CLAUS,

1:10-cv-02022-MJS (HC)

12 Petitioner,

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

13  
14 vs.

15 KEN CLARK,

16 Respondent.  
17 \_\_\_\_\_ /

18  
19 Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action  
20 pursuant to 28 U.S.C. § 2254.

21 The federal venue statute requires that a civil action, other than one based on diversity  
22 jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all  
23 defendants reside in the same state, (2) a judicial district in which a substantial part of the  
24 events or omissions giving rise to the claim occurred, or a substantial part of the property that  
25 is the subject of the action is situated, or (3) a judicial district in which any defendant may be  
26 found, if there is no district in which the action may otherwise be brought." 28 U.S.C. §  
27 1391(b).

28 ///

1 Venue for a habeas action is proper in either the district of confinement or the district  
2 of conviction. 28 U.S.C. § 2241(d). The district court for the district wherein such an  
3 application is filed in the exercise of its discretion and in furtherance of justice may transfer the  
4 application to the other district court for hearing and determination. Id.

5 It is preferable for petitions challenging a conviction or sentence to be heard in the  
6 district of conviction while petitions challenging the manner in which the sentence is being  
7 executed be heard in the district of confinement. Dunne v. Henman, 875 F.2d 244, 249 (9th  
8 Cir. 1989). In this case, the petitioner is challenging a conviction from Los Angeles County,  
9 which is in the Central District of California. See 28 U.S.C. § 84. Therefore, the petition should  
10 have been filed in the United States District Court for the Central District of California. In the  
11 interest of justice, the petition will be transferred to the United States District Court for the  
12 Central District of California. 28 U.S.C. §§ 1404(a) and 2241(d).

13 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United  
14 States District Court for the Central District of California.

15  
16 IT IS SO ORDERED.

17 Dated: November 2, 2010

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE