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

DONALD AMOS,

Petitioner,

No. 2:10-cv-2897 DAD (HC)

vs.

JAMES D. HARTLEY, Warden,

Respondent.

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, together with a request to proceed in forma pauperis. This court will not rule on petitioner’s request to proceed in forma pauperis.

Petitioner challenges a 2008 decision of the California Board of Parole Hearings to deny him parole. Consequently, the instant petition is one for review of the execution of a sentence imposed by a California state court. See Rosas v. Nielsen, 428 F.3d 1229, 1232 (9th Cir. 2005), rev’d on other grounds, Hayward v. Marshall, 603 F.3d 546 (9th Cir. 2010) (denial of parole is “a decision ‘regarding the execution’ of” a prison sentence). As a general rule, “[t]he proper forum to challenge the execution of a sentence is the district where the prisoner is confined.” Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Petitioner is incarcerated at

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1 Avenal State Prison, County of Kings, which lies in the Fresno Division of the United States
2 District Court for the Eastern District of California. See Local Rule 120(d).

3 Pursuant to Local Rule 120(f), a civil action which has not been commenced in
4 the proper division of a court may, on the court's own motion, be transferred to the proper
5 division of the court. Therefore, this action will be transferred to the Fresno Division of the
6 court.

7 Good cause appearing, IT IS HEREBY ORDERED that:

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

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

12 United States District Court
13 Eastern District of California
14 2500 Tulare Street
15 Fresno, CA 93721

16 DATED: November 10, 2010.

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18 _____
19 DALE A. DROZD
20 UNITED STATES MAGISTRATE JUDGE

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