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

JOHN M. MIZICKO,

1:11-cv-00559-MJS-(HC)

Petitioner,

ORDER TRANSFERRING CASE TO THE
SACRAMENTO DIVISION OF THE
UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF CALIFORNIA

vs.

GARY SWARTHOUT, Warden,

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. § 2241(d). The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination. Id.

Petitioner is not challenging the judgment relating to his underlying conviction in San Diego Superior Court. Instead he is challenging a parole denial decision which occurred when he was confined at California State Prison, Solano, located in Solano County. Petitioner remains confined in Solano County, which is part of the Sacramento Division of

1 the United States District Court for the Eastern District of California. The petition should
2 have been filed in the Sacramento Division.

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

6 Good cause appearing, IT IS HEREBY ORDERED that:

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

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

11 United States District Court
12 Eastern District of California
13 501 "I" Street, Suite 4-200
Sacramento, CA 95814

14 IT IS SO ORDERED.

15 Dated: April 7, 2011

16 */s/ Michael J. Seng*
17 UNITED STATES MAGISTRATE JUDGE
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