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

PETER M. BERGNE,

1:11-cv-01002-SKO-(HC)

Petitioner,

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

vs.

TERRI GONZALEZ,

Respondent.

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

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

In this case, the petitioner is challenging a decision of California’s Board of Parole Hearings made after a hearing held at California Men’s Colony East, where Petitioner is housed. California Men’s

1 Colony East is located in San Luis Obispo, California, which in turn is in the Central District of  
2 California. Therefore, the petition should have been filed in the United States District Court for the  
3 Central District of California. In the interest of justice, a federal court may transfer a case filed in the  
4 wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932  
5 (D.C. Cir. 1974).

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

8 IT IS SO ORDERED.

9 **Dated: June 21, 2011**

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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