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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LEVAR EMERSON JONES,

1:12-cv-01955-BAM (HC)

Petitioner,

ORDER DENYING PETITIONER’S MOTION
FOR CLARIFICATION OF PETITION FOR
WRIT OF HABEAS CORPUS

v.

[Doc. 9]

JAMES D. HARTLEY,

Respondent.

_____ /

Petitioner is proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Petitioner filed the instant petition for writ of habeas corpus on November 9, 2012, in the United States District Court for the Central District of California. On November 29, 2012, the petition was transferred to this Court.

On December 17, 2012, Petitioner filed a motion entitled “Motion for the Clarification of Issues that were presented in the Petition.” (ECF. No. 9.) In his motion, Petitioner clarifies that the instant petition challenges a prison disciplinary hearing that took place at the California Men’s Colony in which he was found guilty of destruction of State property valued at less than \$400.00 and resulted in the forfeiture of thirty-one days of custody credits. Petitioner requests that the petition be transferred back to the Central District of California if it is the more convenient forum.

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1 As stated in the Central District Court’s transfer order, “when as here, the petition is
2 directed to the manner in which a sentence is being executed, e.g., if it involves parole or time
3 credits claims, the district of confinement is the preferable forum.” (ECF. No. 5, Order at 2,
4 citing, inter alia, Russo v. Newland, 2000 WL 194812 at *1 (N.D. Cal. Feb. 15, 2000).) Because
5 Petitioner is incarcerated in Kings County which is within the jurisdictional boundaries of this
6 Court, the petition was properly transferred and shall be considered by this Court. Accordingly,
7 it is HEREBY ORDERED that Petitioner’s motion for clarification and transfer back to the
8 Central District of California is DENIED.

9 IT IS SO ORDERED.

10 **Dated: January 14, 2013**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE