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6 IN THE UNITED STATES DISTRICT COURT

## 7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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9 ANTHONY AVILEZ-TRAMMELL, ) No. C 14-2308 JSW (PR)

10 Petitioner, )

11 vs. )

12 CLARK DUCART, )

13 Respondent. )

14 \_\_\_\_\_ ) **ORDER OF TRANSFER**15  
16 Petitioner is a state prisoner currently incarcerated at Pelican Bay State Prison.  
17 He has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254  
18 challenging his conviction in Merced County Superior Court. A petition for a writ of  
19 habeas corpus made by a person in custody under the judgment and sentence of a state  
20 court of a state which contains two or more federal judicial districts may be filed in  
21 either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d).  
22 Each of such districts shall have concurrent jurisdiction to entertain the petition;  
23 however, the district court for the district where the petition is filed may transfer the  
24 petition to the other district in the furtherance of justice. *Id.* Federal courts in California  
25 traditionally have chosen to hear petitions challenging a conviction or sentence in the  
26 district of conviction. *Dannenberg v. Ingle*, 831 F. Supp. 767, 768 (N.D. Cal. 1993);  
27 *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).28 Merced County lies within the venue of the Eastern District of California. *See* 28

1 U.S.C. § 84. Accordingly, this action is TRANSFERRED to the United States District  
2 Court for the Eastern District of California. Ruling on the pending application for leave  
3 to proceed in forma pauperis (docket number 2) is deferred to the Eastern District in light  
4 of this transfer. The Clerk of the Court shall transfer this matter forthwith.

5 IT IS SO ORDERED.  
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DATED: June 17, 2014

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8 JEFFREY S. WHITE  
9 United States District Judge  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY AVILEZ TRAMMELL,

Case Number: CV14-02308 JSW

Plaintiff,

## **CERTIFICATE OF SERVICE**

V.

CLARK DUCART et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 17, 2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Anthony Avilez Trammell AH-4321  
Pelican Bay State Prison  
P.O. Box 7500  
Crescent City, CA 95532

Dated: June 17, 2014

*Jennifer Ottolini*  
Richard W. Wiekking, Clerk  
By: Jennifer Ottolini, Deputy Clerk

28