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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWARD VINCENT SANDERS, aka
COTTRELL L. BROADNAX,

Petitioner,

v.

RON DAVIS,

Respondents.

No. 2:14-cv-2448 GGH P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has paid the filing fee.

Petitioner challenges the January 16, 2013 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) (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 Valley State Prison in Chowchilla, County of Madera, which lies in the Fresno Division of the Eastern District of California. See 28 U.S.C. § 84(a).

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1 Pursuant to 28 U.S.C § 2241(d), courts in both the district of conviction and the district of
2 confinement have concurrent jurisdiction over applications for habeas corpus filed by state
3 prisoners. Petitioner's conviction was in the Northern District of California; his parole board
4 denial was issued from Mule Creek State Prison, where he was previously incarcerated; he is
5 currently confined in the Fresno Division of this district. As the Northern District found in its
6 transfer order, the proper forum for the instant challenge is in the district of confinement, which is
7 the Eastern District of California. The proper division of the Eastern District is the Fresno
8 Division, where petitioner is confined.

9 In regard to intra-district transfers, pursuant to Local Rule 120(f), a civil action which has
10 not been commenced in the proper division of a court may, on the court's own motion, be
11 transferred to the proper division of the court. Therefore, this action will be transferred to the
12 Fresno Division of the court.

13 In accordance with the above, IT IS HEREBY ORDERED that:

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

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

18 United States District Court
19 Eastern District of California
20 2500 Tulare Street
21 Fresno, CA 93721

22 Dated: December 3, 2014

23 /s/ Gregory G. Hollows

24 UNITED STATES MAGISTRATE JUDGE

25 GGH:076/sand2448.108bph-109