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

KENNETH RAY BYRD,  
Petitioner,

No. C 14-5008 WHA (PR)  
**ORDER OF TRANSFER**

v.

DAVE DAVIES, et al.,  
Respondents.

\_\_\_\_\_ /

Petitioner is a state prisoner currently incarcerated at California State Prison, Corcoran, which lies within the venue of the United States District Court for the Eastern District of California. He challenges the calculation of his sentence and time credits (Dkt. 1).

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. *See id.* However, if the petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable forum. *See* Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

Petitioner challenges the execution of his sentence insofar as he challenges the calculation of his time credits. Accordingly, IT IS ORDERED in the interest of justice, and

United States District Court  
For the Northern District of California

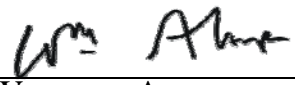
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pursuant to 28 U.S.C. § 1406(a), that this action be TRANSFERRED to the United States District Court for the Eastern District of California, the district in which he is confined. In light of the transfer, this Court will not resolve whether petitioner may proceed in forma pauperis.

The clerk shall transfer this matter forthwith.

**IT IS SO ORDERED.**

Dated: December 17, 2014.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE