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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DYLAN G. ABSHIRE,
Plaintiff,
v.
J. PRICE,
Defendant.

Case No. [14-cv-05309-JSC](#)

AMENDED ORDER OF TRANSFER

Dkt. No. 4

The Order of Transfer entered February 6, 2015, is VACATED because it incorrectly directed the Clerk to transfer this case to the Central, instead of the Eastern, District of California. The following Amended Order is issued in its stead:

Petitioner has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a conviction from Mariposa County Superior Court. He is confined at the Deuel Vocational Institute, which is also in Mariposa County. 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. *Id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *Dannenberg v. Ingle*, 831 F. Supp. 767, 768 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

Mariposa County lies within the venue of the Eastern District of California. See 28 U.S.C. § 84. Accordingly, this action is TRANSFERRED to the United States District Court for the

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Eastern District of California. Ruling on the pending motion for leave to proceed in forma pauperis (docket number 4) is deferred to the Eastern District in light of this transfer. The Clerk of the Court shall transfer this matter forthwith.

IT IS SO ORDERED.

Dated: February 11, 2015



JACQUELINE SCOTT CORLEY
United States Magistrate Judge