

1 other district court for hearing and determination.

2 Although venue is generally proper in either the district of the prisoner's confinement or
3 the convicting court's location, petitions challenging a conviction preferably are heard in the
4 district of conviction, Laue v. Nelson, 279 F.Supp. 265, 266 (N.D.Cal.1968); petitions
5 challenging execution of sentence are preferably heard in the district where the inmate is
6 confined, Dunne v. Henman, 875 F.2d 244, 249 (9th Cir.1989). A court should further consider
7 traditional considerations of venue, such as the convenience of parties and witnesses and the
8 interests of justice. Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 495 (1973).

9 In this case, the petitioner is challenging the conduct of the California Department of
10 Corrections and Rehabilitation with respect to calculation of conduct credit. Petitioner is an
11 inmate of the Salinas Valley State Prison, which is located in Monterey County, which in turn is
12 situated within the Northern District of California. Therefore, the petition should have been filed
13 in the United States District Court for the Northern District of California.

14 In the interest of justice, a federal court may transfer a case filed in the wrong district to
15 the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir.
16 1974).

17 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
18 States District Court for the Northern District of California.
19 IT IS SO ORDERED.

20 Dated: March 30, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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