

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PEDRO F. DURAN,  
Petitioner,  
v.  
DAVEY, Warden,  
Respondent.

No. 2:16-cv-0056 KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis. In his application, petitioner challenges a conviction issued by the Kings County Superior Court. Kings County is part of the Fresno Division of the United States District Court for the Eastern District of California. See Local Rule 120(d).

Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper division of a court may, on the court’s own motion, be transferred to the proper division of the court. Therefore, this action will be transferred to the Fresno Division of the court.<sup>1</sup> This court

---

<sup>1</sup> Petitioner may also be raising a claim challenging the execution of his sentence. When the petition is directed to the manner in which a sentence is being executed, such as a claim concerning parole or time credits, the district of confinement is the preferable forum. Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). To the extent petitioner is raising a claim challenging the execution of his sentence, transfer to the Fresno Division is appropriate because petitioner is incarcerated at California State Prison-Corcoran, which is within the jurisdiction of

1 will not rule on petitioner's request to proceed in forma pauperis.

2 Good cause appearing, IT IS HEREBY ORDERED that:

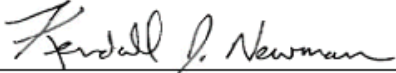
3 1. This court has not ruled on petitioner's request to proceed in forma pauperis;

4 2. This action is transferred to the United States District Court for the Eastern District of  
5 California sitting in Fresno; and

6 3. All future filings shall reference the new Fresno case number assigned and shall be  
7 filed at:

8 United States District Court  
9 Eastern District of California  
2500 Tulare Street  
Fresno, CA 93721

10 Dated: January 21, 2016

11   
12 \_\_\_\_\_  
KENDALL J. NEWMAN  
13 UNITED STATES MAGISTRATE JUDGE

14  
15 dura0056.109  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

28 the Fresno Division.