

1

2

3

4  
UNITED STATES DISTRICT COURT  
5  
NORTHERN DISTRICT OF CALIFORNIA

6

7  
FRANK M. DIAZ,  
8  
Petitioner,  
9  
v.  
10  
X. CANO,  
11  
Respondent.Case No. [16-cv-00873-VC](#) (PR)**ORDER OF TRANSFER**

12  
13 Frank M. Diaz, a state prisoner incarcerated at California State Prison Correctional  
14 Facility, located in Los Angeles, California, has filed a *pro se* petition for a writ of habeas corpus  
15 pursuant to 28 U.S.C. § 2254, challenging the validity of his conviction obtained in Kings County  
16 Superior Court.

17 A federal petition for a writ of habeas corpus made by a person in custody under the  
18 judgment and sentence of a state court is properly filed in either the district of confinement or the  
19 district of conviction. 28 U.S.C. § 2241(d). The district court where the petition is filed may  
20 transfer the petition to the other district in the furtherance of justice. *Id.* Federal courts in  
21 California traditionally have chosen to hear petitions challenging a conviction or sentence in the  
22 district of conviction. *Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993).

23 Diaz was convicted in Kings County Superior Court, which lies within the venue of the  
24 Eastern District of California. 28 U.S.C. § 84(b). He is incarcerated in Los Angeles County,  
25 which lies within the venue of the Central District of California. Thus, jurisdiction over the  
26 petition exists in the Eastern District of California, not in this district.

27 Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice,  
28 the Clerk of the Court is ordered to TRANSFER this action forthwith to the United States District

1 Court for the Eastern District of California.

2 All pending motions are TERMINATED on this Court's docket.

3 **IT IS SO ORDERED.**

4 Dated: March 10, 2016

5   
6 VINCE CHHABRIA  
7 United States District Judge

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28