

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  
EASTERN DISTRICT OF CALIFORNIA

HECTOR AYALA,  
  
                                Petitioner,  
  
                v.  
  
BRANDON PRICE,  
  
                                Respondent.

1:17-cv-00803-MJS (HC)  
  
ORDER TRANSFERRING CASE TO THE  
UNITED STATES DISTRICT COURT FOR  
THE CENTRAL DISTRICT OF  
CALIFORNIA

Petitioner is a civil detainee proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

Venue for a habeas action is proper in either the district of confinement or the district of conviction. 28 U.S.C. § 2241(d). The district court for the district wherein such an application is filed may, in the exercise of its discretion and in furtherance of justice,

1 transfer the application to the other district court for hearing and determination. Id.

2 It is preferable for petitions challenging a conviction or sentence to be heard in the  
3 district of conviction and for petitions challenging the manner in which the sentence is  
4 being executed to be heard in the district of confinement. Dunne v. Henman, 875 F.2d  
5 244, 249 (9th Cir. 1989). In this case, it appears that Petitioner is challenging a  
6 conviction from San Bernardino County, which is in the Central District of California. See  
7 28 U.S.C. § 84. Therefore, the petition should have been filed in the United States  
8 District Court for the Central District of California. In the interest of justice, the petition will  
9 be transferred to the United States District Court for the Central District of California. 28  
10 U.S.C. §§ 1404(a) and 2241(d).

11 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the  
12 United States District Court for the Central District of California.

13  
14 IT IS SO ORDERED.

15 Dated: June 20, 2017

16 /s/ Michael J. Seng  
17 UNITED STATES MAGISTRATE JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28