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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GLENN O'CONNOR,  
Petitioner,  
v.  
J. LIZARRAGA,  
Respondent.

1:17-cv-01101-MJS-(HC)

ORDER TRANSFERRING CASE TO THE  
SACRAMENTO DIVISION OF THE  
EASTERN DISTRICT OF CALIFORNIA

Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

Venue for a habeas action is proper in either the district of confinement or the district of conviction. 28 U.S.C. § 2241(d). It is preferable for petitions challenging a conviction or sentence to be heard in the district of conviction and for petitions challenging the manner in which the sentence is being executed to be heard in the district of confinement. Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989).

Here, Petitioner is challenging the manner in which his sentence is being executed as a result of prison disciplinary proceedings. Accordingly, it is preferable for his challenge to be heard in the district of confinement. Petitioner is housed at Mule

1 Creek State Prison, located in Amador County, which is part of the Sacramento Division  
2 of the United States District Court for the Eastern District of California. Therefore, the  
3 petition should have been filed in the Sacramento Division.

4 Pursuant to Local Rule 120(f), a civil action which has not been commenced in  
5 the proper court may, on the court's own motion, be transferred to the proper court.  
6 Therefore, this action will be transferred to the Sacramento Division. Good cause  
7 appearing, IT IS HEREBY ORDERED that:

8 1. This action is transferred to the United States District Court for the Eastern  
9 District of California sitting in Sacramento; and

10 2. All future filings shall reference the new Sacramento case number assigned  
11 and shall be filed at:

12 United States District Court  
13 Eastern District of California  
14 501 "I" Street, Suite 4-200  
15 Sacramento, CA 95814

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

17 IT IS SO ORDERED.

18 Dated: August 17, 2017

19 /s/ Michael J. Seng  
20 UNITED STATES MAGISTRATE JUDGE

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