

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

## ANTHONY CHRISTOPHER MUSSELMAN.

Petitioner,

V.

W.L. MONTGOMERY,

### Respondent.

Case No. 1:21-cv-00510-HBK

ORDER TRANSFERRING CASE TO THE  
CENTRAL DISTRICT OF CALIFORNIA

(Doc. No. 1)

W.L. MONTGOMERY,

18 Petitioner is proceeding on his petition for writ of habeas corpus filed pursuant to 28 U.S.C.  
19 § 2254. (Doc. No. 1). Petitioner, a prisoner incarcerated in Imperial County, which is located  
20 within the jurisdiction and venue of the U.S. District Court for the Southern District of California,  
21 El Centro Division, challenges his December 18, 2019 state sentence and conviction entered by the  
22 San Bernardino County Superior Court, which is located within the jurisdiction and venue of the  
23 United States District Court for the Central District of California, Eastern Division.

Under 28 U.S.C. § 2241(d), jurisdiction is proper in the judicial district where the petitioner was convicted or where the petitioner is incarcerated. Therefore, both the Southern District of California and the Central District of California have concurrent jurisdiction. *See* 28 U.S.C. § 2241(d); *Rumsfeld v. Padilla*, 542 U.S. 426, 428 (2004). However, “[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other

1 district or division where it might have been brought.” 28 U.S.C. § 1404(a). Federal courts in  
2 California generally hear petitions for writ of habeas corpus in the district of conviction. *Favor v.*  
3 *California*, No. 116-CV-01912-DAD-EPG-HC, 2017 WL 2671006, at \*1 (E.D. Cal. June 21, 2017)  
4 (*citing Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968)).

5 Thus, the court finds in its discretion “and in furtherance of justice” the petition should be  
6 transferred to the Central District of California. 28 U.S.C. §§ 1404(a), 2241(d).

7 **Accordingly,**

8 1. The clerk shall transfer this action to the United States District Court for the Central  
9 District of California, Eastern Division; and  
10 2. All future filings shall reference the new case number assigned and shall be filed at:

11  
12 United States District Court  
13 Central District of California  
14 Eastern Division  
3470 Twelfth Street  
Riverside, CA 92501-3801

15 IT IS SO ORDERED.

16  
17 Dated: April 1, 2021

  
18 HELENA M. BARCH-KUCHTA  
19 UNITED STATES MAGISTRATE JUDGE

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