1		
2		
3		
4		
5		
6		
7		
8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
10		
11	TOBY ANTHONY ROSA,	Case No. 1:24-cv-01443-CDB (HC)
12	Petitioner,	ORDER TRANSFERRING CASE TO THE NORTHERN DISTRICT OF CALIFORNIA
13	v.	(Doc. 1)
14	MARTIN GAMBOA,	(Doc. 1)
15	Respondent.	
16		
17	Petitioner Toby Anthony Rosa is proceeding on his petition for writ of habeas corpus filed	
18	pursuant to 28 U.S.C. § 2254. (Doc. 1). To the extent discernable, Petitioner challenges his state	
19	conviction entered by the Superior Court of Sonoma County. Id. at 4-5, 7-18. Sonoma County is	
20	located within the jurisdiction and venue of the San Francisco Division of the United States	
21	District Court for the Northern District of California.	
22	When a habeas petition is filed by a person in custody under a state court judgment, and	
23	that state contains two or more federal judicial districts—such as California—the petition may be	
24	filed in either the judicial district in which the petitioner is presently confined, or the judicial	
25	district in which he was convicted and sentenced. See 28 U.S.C. § 2241(d). When a habeas	
26	petition challenges the petitioner's conviction or sentence, e.g., a habeas petition brought pursuant	
27	to 28 U.S.C. § 2254, the district where the petitioner was convicted and sentenced is a more	
28	convenient forum because trial court records, witnesses, and other evidence related to the crime	
		1

1	and his conviction are usually located in that district. See Braden v. 30 th Judicial Cir. Ct. of Ky.,	
2	410 U.S. 484, 4998 & n.15 (1973). Thus, California courts generally transfer habeas actions	
3	challenging state convictions or sentences to the district where the petitioner was convicted and	
4	sentenced. See, e.g., Tate v. Unknown, No. 24-cv-756 JLS (LR), 2024 WL 2880583, at *1 (S.D.	
5	Cal. May 7, 2024) (citing Braden); Gakuba v. Cal. Attorney Gen., No. 22-cv-07698 NC (PR),	
6	2022 WL 17813143 at *1 (N.D. Cal. Dec. 16, 2022); Dannenberg v. Ingle, 831 F. Supp. 767, 767	
7	(N.D. Cal. 1993).	
8	Thus, the Court finds in its discretion "and in furtherance of justice" the petition should be	
9	transferred to the Northern District of California. 28 U.S.C. §§ 1404(a), 2241(d).	
10	Conclusion and Order	
11	Accordingly, it is HEREBY ORDERED:	
12	1. The Clerk shall transfer this action to the United States District Court for the Northern	
13	District of California, San Francisco Division; and	
14	2. All future filings shall reference the new case number assigned and shall be filed at:	
15	United States District Court	
16	Northern District of California San Francisco Division 450 Golden Gate Avenue San Francisco, CA 94102	
17		
18		
19	IT IS SO ORDERED. $($	
20	Dated: January 3, 2025	
21	UNITED STATES MAGISTRATE JUDGE	
22		
23		
24		
25		
26		
27		
28		
	2	