

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

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID A. SANDERS,

Petitioner,

No. CIV S-06-0096 MCE CMK P

vs.

TOM L. CAREY, Warden, et al.,

Respondents.

ORDER

\_\_\_\_\_ /

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

The application attacks a conviction issued by the Hayward Superior Court. While both this Court and the United States District Court in the district where petitioner was convicted have jurisdiction, see Braden v. 30th Judicial Circuit Court, 410 U.S. 484 (1973), any and all witnesses and evidence necessary for the resolution of petitioner's application are more readily available in Alameda County. Id. at 499 n.15; 28 U.S.C. § 2241(d).

/////  
/////  
/////

1 Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that:

2 1. This court has not ruled on petitioner's application to proceed in forma  
3 pauperis; and

4 2. This matter is transferred to the United States District Court for the Northern  
5 District of California.

6  
7 DATED: January 30, 2006.

8  
9   
10 **CRAIG M. KELLISON**  
11 UNITED STATES MAGISTRATE JUDGE

12 /mp  
13 sand 06cv0096.108  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26