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

DONALD GENE PHILLIPS,

Petitioner,

No. CIV S-06-0739 DFL PAN P

vs.

DIRECTOR, CALIFORNIA  
DEPARTMENT OF CORRECTIONS,

Respondent.

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 Los Angeles County Superior Court in Norwalk, California.<sup>1</sup> 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 Los Angeles County. Id. at 499 n.15; 28 U.S.C. § 2241(d).

<sup>1</sup> Petitioner is not challenging a finding by the Board of Prison Terms or a reversal of a finding by the Board of Prison Terms.

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 Central  
5 District of California.

6 DATED: April 7, 2006.

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9 UNITED STATES MAGISTRATE JUDGE

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