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

TERRY L. HADDIX, JR.,

Petitioner,

No. CIV S-06-2218 LKK DAD P

vs.

C. SCAVETTA, 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. This court will not rule on petitioner's request to proceed in forma pauperis, nor on petitioner's request for the appointment of counsel.

Petitioner is incarcerated in Pelican Bay State Prison and was convicted in Del Norte County, areas within the boundaries of the United States District Court for the Northern District of California.

Pursuant to 28 U.S.C § 2241(d), courts in both the district of conviction and the district of confinement have concurrent jurisdiction over applications for habeas corpus filed by state prisoners. Here, because petitioner was not convicted in this district, and is not presently confined here, this court does not have jurisdiction to entertain the application.

1 Accordingly, IT IS HEREBY ORDERED that:

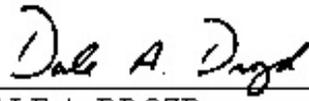
2 1. This court has not ruled on petitioner's request to proceed in forma pauperis;

3 2. This court has not ruled on petitioner's request for the appointment of counsel;

4 and

5 3. This matter is transferred to the United States District Court for the Northern
6 District of California. 28 U.S.C. § 2241(d); 28 U.S.C. § 1406(a).

7 DATED: October 18, 2006.

8 
9 _____
10 DALE A. DROZD
11 UNITED STATES MAGISTRATE JUDGE

11 DAD:bb
12 hadd2218.108