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

LESLIE PILTZ,

Petitioner,

No. CIV S-07-0613 FCD DAD P

vs.

CALIFORNIA PAROLE BOARD
COMMISSIONERS, 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. Petitioner has paid the filing fee. Petitioner challenges the denial of parole by the Board of Prison Terms in 2004. The parole hearing in question was held at the Correctional Training Facility in Soledad, California where petitioner was confined at the time this action was filed and where he is currently incarcerated.

Through this habeas action petitioner seeks to challenge the execution of his sentence as opposed to his underlying criminal conviction. While venue is proper in a habeas action in either the district of confinement or the district of conviction under 28 U.S.C. § 2241(d), the district of confinement is the preferable forum where the action challenges the execution of a sentence. Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989); see also Jamison

1 v. Ayres, No. CIV S-07-0303 GEB EFB P, 2007 WL 926824 (E.D. Cal. March 26, 2007)
2 (transferring case to district where petitioner was incarcerated at the time of filing of the habeas
3 petition challenging a denial of parole suitability).

4 Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that this
5 matter is transferred to the United States District Court for the Northern District of California.

6 28 U.S.C. § 2241(d).¹

7 DATED: April 16, 2007.

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10 _____
11 DALE A. DROZD
12 UNITED STATES MAGISTRATE JUDGE

10 DAD:4
11 pilt0613.108

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25 ¹ The court also notes that petitioner has improperly named the California Parole Board
26 Commissioners as respondents in this action. “A petitioner for habeas corpus relief must name the
state officer having custody of him or her as the respondent to the petition.” Stanley v. California
Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994) (citing Rule 2(a), 28 U.S.C. foll. § 2254).
Petitioner is advised that the proper respondent is the warden of the prison where he is confined.