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

ROBERTO GOMEZ,

Petitioner,

No. CIV S-07-1239 FCD EFB P

vs.

M. MUNTZ, et al.,

Respondents.

ORDER

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Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2254. He seeks leave to proceed *in forma pauperis*. *See* 28 U.S.C. § 1915. However, petitioner has commenced this action in the wrong district.

Petitioner was convicted in the Cook County Superior Court in Illinois, but is confined Chuckawalla Valley State Prison in Riverside County. Although the United States District Court in the Central District of California and the United States District Court in the district where petitioner was convicted both have jurisdiction, *see Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 499-500 (1973), witnesses and evidence necessary for the resolution of petitioner’s application are more readily available in the county of conviction, *Id.* at 499 n. 15; 28 U.S.C. § 2241(d).

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1           Therefore, this court defers ruling on petitioner's application to proceed *in forma*  
2 *pauperis*, and transfers this action to the United States District Court for the Northern District of  
3 Illinois, Eastern Division. 28 U.S.C. § 1404(a).

4           Accordingly, it is ORDERED that this action is transferred to the United States District  
5 Court for the Northern District of Illinois, Eastern Division.

6 DATED: July 2, 2007.

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9 EDMUND F. BRENNAN  
10 UNITED STATES MAGISTRATE JUDGE  
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