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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND JOEL TAFOYA,

1:07-CV-01592 AWI GSA HC

Petitioner,

vs.

ORDER OF TRANSFER

R. J. SUBIA, Warden, et al.,

Respondents.

_____ /

Petitioner, a state prisoner proceeding pro se, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

In this case, Petitioner is challenging a parole suitability hearing. Where “the petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable forum.” Meador v. Cal. Dept. of Corr., 2003 WL 21910917 *1

1 (N.D.Cal.), *citing Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir.1989); *Braden v. 30th Judicial Circuit*
2 *Court*, 410 U.S. 484, 497 (1973); *In re Phelon*, 2002 WL 31618536, *1 (N.D. Cal.); *Thomas v. Hepburn*,
3 2001 WL 505916, *1 (N.D.Cal.); *McKnight v. Forman*, 1997 WL 50267, *1 (N.D. Cal.). Petitioner is
4 incarcerated at Mule Creek State Prison located in Ione, California, which is within the jurisdictional
5 boundaries of the Sacramento Division of the Eastern District of California. See 28 U.S.C. § 84(b).
6 Therefore, in the interest of justice the petition will be transferred to the Sacramento Division. 28 U.S.C.
7 §§ 1404(a) and 2241(d).

8 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the Sacramento
9 Division of the United States District Court for the Eastern District of California.

10 IT IS SO ORDERED.

11 **Dated: November 6, 2007**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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