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

DANIEL MATHEW ROBINSON,

Petitioner,

No. CIV S-08-1741 KJM P

vs.

SCOTT KERNAN,

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. He alleges that the state court erred in imposing an elevated upper-term sentence, in violation of his constitutional rights. See Pet. at 6-7.

Petitioner is incarcerated at Mule Creek State Prison, in Ione, California, which is located in the Eastern District of California. The petitioner was convicted and sentenced in the Superior Court of San Bernardino County, California, which lies in the Central 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. However, habeas petitions that challenge a state court conviction or sentence are

1 best heard in the federal district court where the venue of the sentencing state court lies. See In
2 re Cross, 1995 WL 715820 (N.D.Cal.) In this case, the venue of the sentencing court is in the
3 Central District of California.

4 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the
5 United States District Court for the Central District of California. 28 U.S.C. § 2241(d); 28
6 U.S.C. § 1406(a).

7 DATED: April 6, 2009.

8 
9 U.S. MAGISTRATE JUDGE

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