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

CARLO TOPALIAN,

Petitioner,

No. CIV S-08-3109 DAD P

vs.

JAMES A. YATES,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding with counsel, 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 August 16, 2007 decision of the California Board of Parol Hearings denying him parole. Consequently, the instant petition is one for review of the execution of a sentence imposed by a California state court. See Rosas v. Nielsen, 428 F.3d 1229, 1232 (9th Cir. 2005) (denial of parole is “a decision ‘regarding the execution’ of” a prison sentence.) As a general rule, “[t]he proper forum to challenge the execution of a sentence is the district where the prisoner is confined.” Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Petitioner is confined at Pleasant Valley State Prison which is in Fresno County. Fresno County is part of the Fresno Division of the United States District Court for the Eastern District of California. See Local Rule 3-120(d).

1 Pursuant to Local Rule 3-120(f), a civil action which has not been commenced in
2 the proper division of a court may, on the court's own motion, be transferred to the proper
3 division of the court. Therefore, this action will be transferred to the Fresno Division of the
4 court.

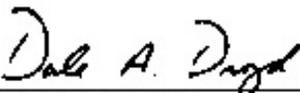
5 Good cause appearing, IT IS HEREBY ORDERED that:

6 1. This action is transferred to the United States District Court for the Eastern
7 District of California sitting in Fresno; and

8 2. All future filings shall reference the new Fresno case number assigned and
9 shall be filed at:

10 United States District Court
11 Eastern District of California
12 2500 Tulare Street
Fresno, CA 93721

13 DATED: January 7, 2009.

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16 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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