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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

KEVIN DAVENPORT,	) Case No. CV 09-01948-JFW (OP)
Petitioner,	
vs.	
JOHN W. HAVILAND,	
Respondent.	

ORDER TRANSFERRING ACTION TO  
UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF  
CALIFORNIA

On March 23, 2009, Kevin Davenport (“Petitioner”), filed the current Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254 (“Petition”). Petitioner also filed a Motion for Stay and Abeyance pending exhaustion of certain claims for relief contained in the Petition.

A petition for writ of habeas corpus may be filed in the United States District Court of either the judicial district in which the petitioner is presently confined or the judicial district in which he was convicted and sentenced. See 28 U.S.C. § 2241(d). Petitioner presently is confined at the California State Prison Solano in Vacaville, California, which is located in Solano County. Solano County is located within the jurisdictional boundaries of the Eastern District of California. See 28 U.S.C. § 84(b). Moreover, it appears from the face of the Petition that Petitioner is challenging a conviction sustained in the Kern County Superior Court.

1 (Pet. at 2.) Kern County is also located within the Eastern District of California.  
2 See 28 U.S.C. § 84(b).

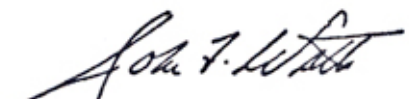
3 Accordingly, while the Petition could properly have been filed in the Eastern  
4 District of California, it was not properly filed in the Central District of California.

5 When a habeas petitioner is challenging his underlying conviction or  
6 sentence, the district court for the district in which the petitioner was convicted and  
7 sentenced is a more convenient forum because of the accessibility of evidence,  
8 records and witnesses. As a result, it generally is the practice of the district courts  
9 in California to transfer habeas actions questioning state convictions/sentences to  
10 the district in which the petitioner was convicted and sentenced. Here, since  
11 Petitioner was convicted and sentenced in the Eastern District of California, any  
12 and all records, witnesses and evidence necessary for the resolution of Petitioner's  
13 contentions are more readily available in Kern County. See Laue v. Nelson, 279 F.  
14 Supp. 265, 266 (N.D. Cal. 1968). Therefore, in furtherance of the interest of  
15 justice,


16 **IT IS ORDERED** that the Clerk of this Court transfer this matter to the  
17 United States District Court for the Eastern District of California. See 28 U.S.C. §  
18 2241(d).

19 **IT IS FURTHER ORDERED** that the Clerk of this Court serve a copy of  
20 this Order upon Petitioner and upon the California Attorney General.

21  
22 DATED: April 3, 2009

  
HONORABLE JOHN F. WALTER  
United States District Judge

23  
24 Presented by:

25   
26 HONORABLE OSWALD PARADA  
27 United States Magistrate Judge  
28

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