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

LARRY WATSON,

1:09-cv-00884-LJO-BAK-SMS HC

Petitioner,

vs.

ORDER OF TRANSFER

PEOPLE OF THE STATE OF  
CALIFORNIA,

Respondent.

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28 U.S.C. § 2254, in the Fresno Division of the United States District Court for the Eastern District of California.

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 a habeas matter, venue is proper in either the district of conviction or the district of confinement. 28 U.S.C. § 2241(d). Where a petitioner attacks the execution of his sentence, the

1 proper forum in which to review such a claim is the district of confinement. See Dunn v. Henman,  
2 875 F.2d 244, 249 (9<sup>th</sup> Cir. 1989)(stating, in a 28 U.S.C. § 2241 action, that “[t]he proper forum to  
3 challenge the execution of a sentence is the district where the prisoner is confined.”)

4 In this case, petitioner is challenging a conviction from Nevada County, which is in the  
5 Sacramento Division of the Eastern District of California. Therefore, the matter should be addressed  
6 in the forum where petitioner was convicted. Thus, the petition should have been filed in the  
7 Sacramento Division of the United States District Court for the Eastern District of California.  
8 Pursuant to Local Rule 3-120(f), a civil action which has not been commenced in the proper division  
9 of a court may, on the court’s own motion, be transferred to the proper division of the court.  
10 Therefore, this action will be transferred to the Sacramento Division of this Court.

11 Good cause appearing, IT IS HEREBY ORDERED that:

12 1. This action is transferred to the United States District Court for the Eastern District of  
13 California sitting in Sacramento; and,

14 2. All future filings shall reference the new Sacramento case number assigned and shall be  
15 filed at:

16 United States District Court  
17 Eastern District of California  
18 501 “I” Street, Suite 4-200  
19 Sacramento, CA 95814

20 IT IS SO ORDERED.

21 **Dated: July 2, 2009**

**/s/ Sandra M. Snyder**  
UNITED STATES MAGISTRATE JUDGE

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