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

WALTER JAMES DAILY,

Petitioner,

No. CIV S-09-2173 KJM P

vs.

GOVERNOR SCHWARTZNEGGER,

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, together with a request to proceed in forma pauperis. This court will not rule on petitioner's request to proceed in forma pauperis.

Petitioner is incarcerated in California State Prison, Lancaster and was convicted in Los Angeles County. Both California State Prison, Lancaster and Los Angeles County are in an area embraced by the United States District Court for 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. Because petitioner was not convicted in this district, and is not presently confined here, this court does not have jurisdiction to entertain the application.

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Accordingly, IT IS HEREBY ORDERED that:

1. This court has not ruled on petitioner's request to proceed in forma pauperis;
2. This matter is transferred to the United States District Court for the Central

District of California. 28 U.S.C. § 2241(d); 28 U.S.C. § 1406(a).

DATED: August 13, 2009.



U.S. MAGISTRATE JUDGE

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