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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN L. CARPENTER,
Petitioner,

No. C 09-3392 MHP (pr)

ORDER OF TRANSFER

v.

KEN CLARK, warden,
Respondent.

United States District Court
For the Northern District of California

John L. Carpenter has filed a petition for writ of habeas corpus to challenge his conviction and sentence from the Nevada County Superior Court. Nevada County lies within the venue of the Eastern District of California. Carpenter is currently incarcerated at a prison in Corcoran in Kings County, which is within the venue of the Eastern District of California. Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, a petition challenging a conviction is preferably heard in the district of conviction. Habeas L.R. 2254-3(b). Because the conviction occurred in the Eastern District of California, pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interest of justice, this action is TRANSFERRED to the United States District Court for the Eastern District of California. The clerk shall transfer this matter forthwith.

IT IS SO ORDERED.

DATED: August 25, 2009


Marilyn Hall Patel
United States District Judge