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

DARIOUS A. MAYS,  
Petitioner,  
vs.  
KEN CLARK, Warden,  
Respondent.

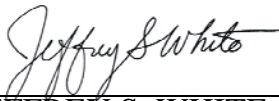
) No. C 10-0761 JSW (PR)  
)  
) **ORDER OF TRANSFER**  
)  
) (Docket No. 2)  
)  
)

Petitioner, a prisoner of the State of California, currently incarcerated in Corcoran, California, has filed a petition for a writ of habeas corpus in this Court challenging the constitutionality of his state conviction from Sacramento County. Petitioner has also filed an application to proceed *in forma pauperis* (docket no. 2).

Venue is proper in a habeas action in either the district of conviction or the district of confinement, *see id* § 2241(d). Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Therefore, the Court ORDERS that pursuant to 28 USC § 1404(a) and Habeas LR 2254-3(b), and in the interest of justice, the Clerk of the Court shall TRANSFER this matter to the United States District Court for the Eastern District of California forthwith. In light of the transfer, this Court will not resolve Petitioner’s pending motion (docket no. 2).

IT IS SO ORDERED.

DATED: March 2, 2010

  
\_\_\_\_\_  
JEFFREY S. WHITE  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5 DARIOUS A. MAYS,  
6 Plaintiff,  
7

Case Number: CV10-00761 JSW

**CERTIFICATE OF SERVICE**

8 v.


9 KEN CLARK et al,  
10 Defendant.  
11

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
Court, Northern District of California.

13 That on March 2, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said  
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
15 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
receptacle located in the Clerk's office.

16  
17 Darious A Mays  
18 F90214  
19 P.O. Box 5246  
Corcoran, CA 93212

20 Dated: March 2, 2010

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk

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