IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MAURICE W. HOOKER,

Petitioner, No. CIV S-11-0709 EFB P

vs.

GARY SWARTHOUT,

Respondent. ORDER

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Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2254. He seeks leave to proceed *in forma pauperis*. *See* 28 U.S.C. § 1915. However, petitioner has commenced this action in the wrong district.

Petitioner was convicted in the Santa Clara County Superior Court, but is confined in Solano County. Although this court and the United States District Court in the district where petitioner was convicted both have jurisdiction, *see Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 499-500 (1973), witnesses and evidence necessary for the resolution of petitioner's application are more readily available in the county of conviction, *Id.* at 499 n. 15; 28 U.S.C. § 2241(d).

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Therefore, the court takes no action on petitioner's application to proceed *in forma pauperis*, and transfers this action to the United States District Court for the Northern District of California. 28 U.S.C. §§ 84(a); 1404(a).

Accordingly, it is ORDERED that this action is transferred to the United States District Court for the Northern District of California.

DATED: March 24, 2011.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE