

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 DARRYL KEITH HARVEY,

11 Petitioner,

No. 2:11-cv-1312 GGH P

12 vs.

13 GARY SWARTHOUT,

14 Respondent.

ORDER

15 \_\_\_\_\_/  
16 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of  
17 habeas corpus pursuant to 28 U.S.C. § 2254.

18 The application attacks a conviction issued by the San Mateo County Superior  
19 Court. While both this Court and the United States District Court in the district where petitioner  
20 was convicted have jurisdiction, see Braden v. 30th Judicial Circuit Court, 410 U.S. 484 (1973),  
21 any and all witnesses and evidence necessary for the resolution of petitioner's application are  
22 more readily available in San Mateo County. Id. at 499 n.15; 28 U.S.C. § 2241(d).

23 ///

24 ///

25 ///

26 ///

1                   Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that this  
2 matter is transferred to the United States District Court for the Northern District of California.

3 DATED: June 14, 2011

4  
5                   /s/ Gregory G. Hollows

6                   \_\_\_\_\_  
7 GREGORY G. HOLLOWS  
8 UNITED STATES MAGISTRATE JUDGE

7 GGH:md  
8 harv1312.108