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

MICHAEL BOUTTA,

Petitioner,

No. CIV S-11-1521 DAD P

vs.

GARY SWARTHOUT,

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.

In his application for federal habeas relief petitioner attacks a judgment of conviction entered by the Alameda County Superior Court. While both this Court and the United States District Court in the district where petitioner was convicted have jurisdiction, see Braden v. 30th Judicial Circuit Court, 410 U.S. 484 (1973), any and all witnesses and evidence necessary for the resolution of petitioner’s application are more readily available in Alameda County which is located within the United States District Court for the Northern District of California. Id. at 499 n.15; 28 U.S.C. § 2241(d).

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Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that:

1. This court has not ruled on petitioner's application to proceed in forma pauperis; and

2. This matter is transferred to the United States District Court for the Northern District of California.

DATED: June 15, 2011.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:kly
bout1521.108