IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

REGINALD E. MARTIN,

Petitioner, No. CIV S-11-1606 DAD P

vs.

R. BARNES,

Respondent. ORDER

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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, a motion for the appointment of counsel and a motion for a stay and abeyance.

However, petitioner's application for federal habeas relief attacks a judgment of conviction entered by the Alameda County Superior Court which is located within the Northern District of California. 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. 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, motion for the appointment of counsel and motion for a stay and abeyance; and

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

DATED: June 17, 2011.

DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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