

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



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

PHILLIP MORRIS, JR.	)	No. C 11-2924 RMW (PR)
	)	
Petitioner,	)	ORDER OF TRANSFER
	)	
vs.	)	
	)	
WARDEN GARY SWARTHOUT,	)	
	)	
Respondent.	)	

Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner seeks habeas relief from the execution of his sentence. At the time petitioner filed this petition, he was in custody at California State Prison - Solano, in Vacaville, California.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, petitions challenging the manner in which a sentence is being executed are preferably heard in the district of confinement. See Habeas L.R. 2254-3(b)(2); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Here, the Eastern District of California is the district of confinement.

Accordingly, this case is TRANSFERRED to the United States District Court for the Eastern District of California, the district of petitioner’s confinement when he filed this petition. See 28 U.S.C. § 1404(a); Habeas L.R. 2254-3(b)(2). The clerk shall terminate all pending

1 motions from this court's docket and transfer the entire file to the Eastern District of California.

2 IT IS SO ORDERED.

3 DATED: \_\_\_\_\_

*Ronald M. Whyte*  
RONALD M. WHYTE  
United States District Judge

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

PHILLIP MORRIS JR,  
Plaintiff,

Case Number: CV11-02924 RMW

**CERTIFICATE OF SERVICE**

v.

GARY SWARTHOUT et al,  
Defendant.

---

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

That on October 25, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing 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.

Phillip Morris H-59819  
California State Prison - Solano III  
P.O. Box 4000 5-245I  
Vacaville, CA 95696

Dated: October 25, 2011

Richard W. Wieking, Clerk  
By: Jackie Lynn Garcia, Deputy Clerk