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

DEWEY STEVEN TERRY, III.,

Petitioner,

No. 2:11-cv-3062 KJN P

vs.

MICHAEL MARTEL,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding without counsel, 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. This court will not rule on petitioner's request to proceed in forma pauperis.

Petitioner is presently incarcerated at San Quentin State Prison in Marin County. He is serving a sentence for a conviction rendered by the Los Angeles County Superior Court.

The general rule with regard to habeas applications is that both the United States District Court in the district where petitioner was convicted and the District Court where petitioner is incarcerated have jurisdiction over the claims. See Braden v. 30th Judicial Circuit Court, 410 U.S. 484 (1973). In the instant case, petitioner's conviction occurred in an area covered by the District Court for the Central District of California. Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that:


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

and

2. This matter is transferred to the United States District Court for the Central District of California. Id. at 499 n.15; 28 U.S.C. § 2241(d).

DATED: November 22, 2011

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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