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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROSS H. DE SPENZA,

 Petitioner,

 v.

DISTRICT ATTORNEY, LOS ANGELES
COUNTY, STATE OF CALIFORNIA,

 Respondents.

No. 2:14-cv-1212 KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, filed a document styled “Notice of Motion,” in which he sought an “order for statute enforcement.” (ECF No. 1 at 1.) Petitioner consented to proceed before the undersigned for all purposes. See 28 U.S.C. § 636(c). As set forth in the June 9, 2014 findings and recommendations, the nature of petitioner’s initial filing was unclear. (ECF No. 4 at 1.) However, petitioner filed objections in which he confirms that he does not seek relief under 28 U.S.C. § 2254 (ECF No. 7), but seeks to withdraw his initial motion and file a petition under 28 U.S.C. § 2241 (ECF No. 8). Thus, petitioner challenges the execution of his sentence. As a general rule, “[t]he proper forum to challenge the execution of a sentence is the district where the prisoner is confined.” Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Petitioner is incarcerated at San Quentin State Prison, County of Marin, which lies in the Northern District of California. See 28 U.S.C. § 84(a).


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1 Pursuant to 28 U.S.C. § 2241(d), courts in both the district of conviction and the district
2 of confinement have concurrent jurisdiction over applications for habeas corpus filed by state
3 prisoners. Petitioner was convicted on March 15, 1991, in the Los Angeles County Superior
4 Court. Petitioner is not presently confined here. For that reason, this court does not have
5 jurisdiction to entertain the application. In the interest of justice, this court may transfer this
6 action “to any other district where it might have been brought.” 28 U.S.C. § 1404(a). For the
7 reasons set forth above, the most appropriate forum for the instant action is the district where
8 petitioner is confined. Therefore, in the interest of justice, this action will be transferred to the
9 United States District Court for the Northern District of California.

10 Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that
11 this matter is transferred to the United States District Court for the Northern of California. 28
12 U.S.C. § 2241(d); 28 U.S.C. § 1406(a).

13 Dated: July 23, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE