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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALBERT LOUIS WYATT,
Petitioner,
v.
STATE OF CALIFORNIA,
Respondent.

Case No. 14-CV-3017-VC
ORDER OF TRANSFER

Albert Louis Wyatt, a state prisoner proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the execution of his sentence. Wyatt plead guilty to second degree murder in the Superior Court in Santa Monica, California which is located in the Central District of California. He is incarcerated at California State Prison-Solano in the Eastern District of California.

A petition for a writ of habeas corpus filed by a state prisoner in a State that contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. See 28 U.S.C. § 2241(d). The district court where the petition is filed may transfer the petition to the other district in the furtherance of justice. *See id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993). However, if a habeas petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credit claims, the district of confinement is the preferable forum. *See Habeas L.R. 2254-3(a); Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

Because Wyatt is challenging the manner in which his sentence is being executed, venue for his habeas case lies in the Eastern District, not in this district. Accordingly, the Court orders

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that, pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, the Clerk of the Court transfer this petition to the United States District Court for the Eastern District of California.

All remaining motions are TERMINATED on this Court's docket as no longer pending in this district.

IT IS SO ORDERED.

Dated: August 18, 2014



VINCE CHHABRIA
United States District Judge