

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re ) No. C 14-4756 JSW (PR)  
ARMANDO E. HERRERA, ) **ORDER OF TRANSFER**  
Petitioner. ) (Docket No. 6)

Petitioner is a state prisoner currently incarcerated at the California Health Care Facility in Stockton, California, which lies within the venue of the United States District Court for the Eastern District of California. He challenges the denial of parole. (*See* Dkt. 1.)

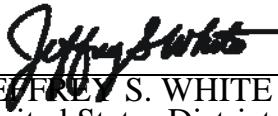
A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. *See id.* However, if the petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credits 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).

1 Petitioner challenges the execution of his sentence insofar as he challenges the  
2 denial of parole. Accordingly, IT IS ORDERED in the interest of justice, and pursuant  
3 to 28 U.S.C. § 1406(a), that this action be TRANSFERRED to the United States District  
4 Court for the Eastern District of California, the district in which he is confined. In light  
5 of the transfer, this Court will not resolve Petitioner's pending motion for an extension of  
6 time to file a petition and for appointment of counsel. (Dkt. 6.)

7 The Clerk of the Court shall transfer this matter forthwith.

8 IT IS SO ORDERED.

9 DATED: December 17, 2014

  
10 JEFFREY S. WHITE  
United States District Judge