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

10 In re) No. C 14-4756 JSW (PR)
11)
12 ARMANDO E. HERRERA,) **ORDER OF TRANSFER**
13)
14 Petitioner.) (Docket No. 6)
15 _____)

16 Petitioner is a state prisoner currently incarcerated at the California Health Care
17 Facility in Stockton, California, which lies within the venue of the United States District
18 Court for the Eastern District of California. He challenges the denial of parole. (*See* Dkt.
19 1.)


20 A petition for a writ of habeas corpus made by a person in custody under the
21 judgment and sentence of a state court of a state which contains two or more federal
22 judicial districts may be filed in either the district of confinement or the district of
23 conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent
24 jurisdiction to entertain the petition; however, the district court for the district where the
25 petition is filed may transfer the petition to the other district in the furtherance of justice.
26 *See id.* However, if the petition is directed to the manner in which a sentence is being
27 executed, e.g., if it involves parole or time credits claims, the district of confinement is
28 the preferable forum. *See* Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249
(9th Cir. 1989).

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

The Clerk of the Court shall transfer this matter forthwith.

IT IS SO ORDERED.

DATED: December 17, 2014


JEFFREY S. WHITE
United States District Judge