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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

CALVIN LYNN

Petitioner,

No. C 15-0687 PJH (PR)

v.

**ORDER OF TRANSFER**

SHERRI GRECCO, SACRAMENTO  
COUNTY DISTRICT ATTORNEY,

Respondent.

Petitioner, a state prisoner, has filed a pro se petition for a writ of mandate. He seeks an order to obtain counsel to acquire DNA evidence to help prove his innocence in a criminal case. Plaintiff is incarcerated in Stockton, CA which is located within the venue of the United States District Court for the Eastern District of California, where the respondent in this case resides. His underlying conviction occurred in Sacramento County which also lies in the Eastern District.

Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); this district is neither.<sup>1</sup> Therefore, this petition is **TRANSFERRED** to the United States District Court for the Eastern District of California. See 28 U.S.C. § 1404(a); Habeas L.R. 2254-3(b).

**IT IS SO ORDERED.**

Dated: March 24, 2015.

  
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PHYLLIS J. HAMILTON  
United States District Judge

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<sup>1</sup> This case should be transferred to the Eastern District even if it were to be construed as a civil rights action.