

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DAVID JACOB CARRERA,

No. C 15-0372 WHA (PR)

Petitioner,

ORDER OF TRANSFER

v.

(Dkt. 2, 3, 10)

RAYMOND MADDEN,

Respondent.

_____/

Petitioner is a state prisoner currently incarcerated at Centinela State Prison in Imperial California. He has filed a petition for a writ of habeas corpus under 28 U.S.C. 2254 challenging a conviction and sentence obtained in Sacramento County Superior Court.

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.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 768 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

Petitioner challenges his conviction and sentence from Sacramento County, which lies within the venue of the Eastern District of California. Accordingly, in the interest of justice,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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. In light of the transfer, this Court will not resolve whether petitioner may proceed in forma pauperis or should be appointed counsel.

The clerk shall transfer this matter forthwith and terminate docket numbers 2, 3 and 10 from this court's docket.

IT IS SO ORDERED.

Dated: March 31, 2015.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE