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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 JOSE RASCON,

12 Petitioner,

13 v.

14 E. VALENZUELA,

15 Respondent.  
16

Case No. 1:15-cv-01306-SAB-HC

ORDER TRANSFERRING CASE TO THE  
SACRAMENTO DIVISION OF THE  
EASTERN DISTRICT OF CALIFORNIA

17 Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus  
18 pursuant to 28 U.S.C. § 2254.

19 When a prisoner files a state habeas petition in a state that contains two or more federal  
20 judicial districts, the petition may be filed in either the judicial district in which the petitioner is  
21 presently confined or the judicial district in which he was convicted and sentenced. See 28  
22 U.S.C. § 2241(d); Rumsfeld v. Padilla, 542 U.S. 426, 442 (2004) (quoting Carbo v. United  
23 States, 364 U.S. 611, 618, 81 S. Ct. 338, 5 L. Ed. 2d 329 (1961)). Petitions challenging the  
24 execution of a sentence are preferably heard in the district where the inmate is confined. See  
25 Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Petitions challenging convictions or  
26 sentences are preferably heard in the district of conviction. See Laue v. Nelson, 279 F.Supp.  
27 265, 266 (N.D.Cal. 1968). Section 2241 further states that, rather than dismissing an improperly  
28 filed action, a district court, “in the exercise of its discretion and in furtherance of justice[,] may

1 transfer” the habeas petition to another federal district for hearing and determination. Id.; see  
2 also 28 U.S.C. § 1404(a) (court may transfer any civil action “to any other district or division  
3 where it might have been brought” for convenience of parties or “in the interest of justice”).

4 Here, Petitioner’s claims relate to his conviction and sentence that occurred in the Shasta  
5 County Superior Court, which is part of the Sacramento Division of the United States District  
6 Court for the Eastern District of California. See Local Rule 120(d). Therefore, venue is proper  
7 in the Sacramento Division. Pursuant to Local Rule 120(f), a civil action which has not been  
8 commenced in the proper court, may, on the court’s own motion, be transferred to the proper  
9 venue within the District. Therefore, this action will be transferred to the Sacramento Division.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. This action is transferred to the Sacramento Division of the United States District  
12 Court for the Eastern District of California; and  
13 2. All future filings shall reference the new Sacramento case number assigned and shall  
14 be filed at:

15 United States District Court  
16 Eastern District of California  
501 “I” Street, Suite 4-200  
Sacramento, CA 95814

17  
18 IT IS SO ORDERED.

19 Dated: September 1, 2015

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UNITED STATES MAGISTRATE JUDGE