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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER KELLY WELLS,
Petitioner,
v.
JOE A. LIZARRAGA,
Respondent.

No. 2:16-cv-2807 WBS AC P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed a request to have this action remanded to the state superior court for purposes of resentencing under newly enacted state law. ECF No. 31. This action was originally brought in this court, so cannot be “remanded” (which means returned to the court where it began.) This court also lacks authority to transfer a case to state court. Petitioner is free to pursue his remedies under state law in the appropriate state court. He does not require leave of this court to do so. If petitioner wishes to seek relief in the sentencing court instead of in this court, he may file the appropriate petition in that court directly and voluntarily dismiss the instant action.

Accordingly, IT IS HEREBY ORDERED that petitioner’s motion to remand this case to the state superior court (ECF No. 31) is denied.

DATED: September 16, 2019


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE