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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TAMMY ANN CAPPEL,
Petitioner,
v.
RON RACKLEY,
Respondent.

Case No. 1:17-cv-00784-EPG-HC
ORDER TRANSFERRING CASE TO THE
SACRAMENTO DIVISION OF THE
EASTERN DISTRICT OF CALIFORNIA

Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus. When a state prisoner files a habeas petition in a state that contains two or more federal judicial districts, the petition may be filed in either the judicial district in which the petitioner is presently confined or the judicial district in which he was convicted and sentenced. See 28 U.S.C. § 2241(d); Rumsfeld v. Padilla, 542 U.S. 426, 442 (2004) (quoting Carbo v. United States, 364 U.S. 611, 618, 81 S. Ct. 338, 5 L. Ed. 2d 329 (1961)). Petitions challenging the execution of a sentence are preferably heard in the district where the inmate is confined. See Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Petitions challenging convictions or sentences are preferably heard in the district of conviction. See Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Section 2241 further states that, rather than dismissing an improperly filed action, a district court, “in the exercise of its discretion and in furtherance of justice[,] may transfer” the habeas petition to another federal district for hearing and determination. Id.; see also 28 U.S.C. § 1404(a) (court

1 may transfer any civil action “to any other district or division where it might have been brought”
2 for convenience of parties or “in the interest of justice”).

3 The instant petition attacks a disciplinary proceeding and the subsequent appeals process,
4 which amounts to a challenge to the execution of Petitioner’s sentence. (ECF No. 1 at 2).
5 Petitioner is currently incarcerated at Folsom State Prison in Sacramento County, which is part
6 of the Sacramento Division of the United States District Court for the Eastern District of
7 California. Therefore, venue is proper in the Sacramento Division.

8 Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper
9 court may, on the court’s own motion, be transferred to the proper court. Therefore, this action
10 will be transferred to the Sacramento Division.

11 Accordingly, IT IS HEREBY ORDERED that:

12 1. This action is TRANSFERRED to the United States District Court for the Eastern
13 District of California sitting in Sacramento; and

14 2. All future filings shall reference the new Sacramento case number assigned and shall
15 be filed at:

16 United States District Court
17 Eastern District of California
18 501 “I” Street, Suite 4-200
19 Sacramento, CA 95814

20 IT IS SO ORDERED.

21 Dated: June 14, 2017

22 /s/ Eric P. Gray
23 UNITED STATES MAGISTRATE JUDGE
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