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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LARRY JOSEPH THOMAS,  
Petitioner,  
v.  
PEOPLE OF THE STATE OF CALIFORNIA,  
Respondent.

Case No. [18-cv-01789-PJH](#)

**ORDER OF TRANSFER**

Re: Dkt. No. 2

This is a habeas case filed pro se by a state prisoner. Petitioner challenges a conviction obtained in Sacramento County. Sacramento County is in the venue of the United States District Court for the Eastern District of California. Petitioner is incarcerated in San Diego, CA, which is located in the Southern District of California.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); this district is neither. Because petitions challenging a conviction are preferably heard in the district of conviction, Habeas L.R. 2254-3(a); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968), and petitioner was convicted in Sacramento County, this case is **TRANSFERRED** to the United States District Court for the Eastern District of California. See 28 U.S.C. § 1406(a); Habeas L.R. 2254-3(b). Petitioner's motion to proceed in forma pauperis is (Docket No. 2) is **VACATED** and can be reviewed once the case is transferred.

**IT IS SO ORDERED.**

Dated: April 11, 2018



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PHYLLIS J. HAMILTON  
United States District Judge

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LARRY JOSEPH THOMAS,  
Plaintiff,  
v.  
PEOPLE OF THE STATE OF CALIFORNIA,  
Defendant.

Case No. [18-cv-01789-PJH](#)

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 11, 2018, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Larry Joseph Thomas  
J-05107  
Richard J. Donovan Prison  
480 Alta Road  
San Diego, CA 9219

Dated: April 11, 2018

Susan Y. Soong  
Clerk, United States District Court

By: Kelly Collins  
Kelly Collins, Deputy Clerk to the  
Honorable PHYLLIS J. HAMILTON