NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY JOHN STEPHENSON, Petitioner, vs. M. S. EVANS, Warden, Respondent.	)	No. C 05-3059 PJH (PR) ORDER OF TRANSFER

This is a habeas case filed pro se by a state prisoner. Petitioner seeks to challenge a conviction obtained in the Superior Court of Sacramento County. Sacramento County is in the venue of the United States District Court for the Eastern District of California. Petitioner is incarcerated at Salinas Valley State Prison, which is in this district.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, 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). Because 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. § 1404(a); Habeas L.R. 2254-3(b).

IT IS SO ORDERED.

DATED: August 15 , 2005.

PHYLLIS J. HAMILTON
United States District Judge

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