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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD SCHOENFELD,

No. C-05-5145 MMC

Petitioner,

**ORDER TRANSFERRING ACTION TO
UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF
CALIFORNIA, WESTERN DIVISION**

v.

JOHN MARSHALL, Warden,

Respondent.

_____ /

Before the Court is the petition for a writ of habeas corpus filed December 13 2005 by petitioner Richard Schoenfeld pursuant to 28 U.S.C. § 2254. Petitioner concedes the lawfulness of his conviction and sentence, (see Petition at 13), and challenges only respondent's repeated denial of parole.

Pursuant to Habeas Local Rule 2254-3, where a petitioner does not challenge the lawfulness of his conviction or sentence, but challenges only the manner in which the sentence is being executed, the action "shall be transferred" to "the district of confinement." See Habeas L.R. 2254-3. Petitioner alleges that he is currently confined in the County of San Luis Obispo. (See Petition at 2.) The County of San Luis Obispo is located in the Central District of California, Western Division. See 28 U.S.C. § 84(c).

Accordingly, the instant action is hereby TRANSFERRED to the United States District Court for the Central District of California, Western Division.

IT IS SO ORDERED.

Dated: December 16, 2005


MAXINE M. CHESNEY
United States District Judge