

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

CHARLES SILAS,)	
)	
Petitioner,)	No. C 06-2859 CRB (PR)
)	
vs.)	ORDER OF TRANSFER
)	
E. YLST, Warden,)	
)	
Respondent.)	

Petitioner seeks federal habeas review of a conviction from the Superior Court of the State of California in and for the County of San Diego, which lies within the venue of the Southern District of California. See 28 U.S.C. § 84(d). Petitioner is incarcerated at San Quentin State Prison in the County of Marin, which lies within the venue of this judicial district. See id. § 84(a).

Venue is proper in a habeas action in either the district of confinement or the district of conviction, see id. § 2241(d); however, petitions challenging a conviction preferably are heard in the district of conviction. See Habeas L.R. 2254-3(a); Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993).

Because the County of San Diego lies in the Southern District of California, the court ORDERS that pursuant to 28 U.S.C. § 1404(a) and Habeas Local Rule 2254-3(b), and in the interest of justice, this petition be TRANSFERRED to the United States District Court for the Southern District of California.

The clerk shall transfer this matter and terminate all pending motions as moot.

SO ORDERED.

DATED: May 01, 2006



 CHARLES R. BREYER
 United States District Judge