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United States District Court

For the Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NELSON T. BUTLER,  
Petitioner,

No. C 06-7183 SI (pr)

**ORDER OF TRANSFER**

v.

JOHN MARSHALL, warden,  
Respondent.

Petitioner has filed a petition for writ of habeas corpus to challenge the denial of parole suitability. Petitioner is incarcerated, and apparently had his parole suitability hearing, at the California Men's Colony in San Luis Obispo County. San Luis Obispo County is within the venue of the Central District of California. Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence, such as a parole denial claim. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Because petitioner is confined in the Central District of California and challenging the execution of his sentence, pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this action is TRANSFERRED to the United States District Court for the Central District of California. The clerk shall transfer this matter forthwith.

IT IS SO ORDERED.

DATED: November 27, 2006



SUSAN ILLSTON  
United States District Judge