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

JAMES SAUERS,	}	No. C 07-928 JSW (PR)
Petitioner,	}	
vs.	}	ORDER OF TRANSFER
JOHN MARSHALL, Warden,	}	(Docket No. 2)
Respondent.	}	

Petitioner is a state prisoner currently incarcerated at California Men’s Colony, located in San Luis Obispo, California, within the venue of the United States District Court for the Central District of California. On February 14, 2007, Petitioner filed this petition regarding his parole hearing before the Board of Prison Terms. Petitioner also seeks leave to proceed *in forma pauperis* (docket no. 2).

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. *See id.* However, if the petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable forum. *See* Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

Petitioner’s claims are directed to the execution of sentence, in that they involve

1 the failure of the Parole Board to find Petitioner suitable for parole. Therefore, this
2 Court will transfer this action back to the United States District Court for the Central
3 District of California. Accordingly, IT IS ORDERED in the interest of justice, and
4 pursuant to 28 U.S.C. § 1406(a), that this action be TRANSFERRED to the United
5 States District Court for the Central District of California. The Clerk of the Court shall
6 transfer this matter forthwith. In light of the transfer, this Court will not resolve
7 Petitioner's pending motion (docket no. 2)

8 IT IS SO ORDERED.

9 DATED: February 27, 2007

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JEFFREY S. WHITE
12 United States District Judge
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