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

MIGUEL GARCIA JR.,	)	No. C 07-3669 JSW (PR)
	)	
Petitioner,	)	
	)	
vs.	)	<b>TRANSFER ORDER</b>
	)	
R. A. HOREL, Warden,	)	<b>(Docket No. 2)</b>
	)	
Respondent.	)	

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Petitioner, a state prisoner incarcerated at Pelican Bay State Prison in Crescent City, California, has filed a petition for a writ of habeas corpus seeking review of his criminal conviction from Fresno County, which lies within the venue of the Eastern District of California. *See* 28 USC § 84(b). Venue is proper in a habeas action in either the district of conviction or the district of confinement, *see id* § 2241(d). However, federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

Therefore, the Court ORDERS that pursuant to 28 USC § 1404(a) and Habeas LR 2254-3(b), and in the interest of justice, the Clerk of the Court shall TRANSFER this matter to the United States District Court for the Eastern District of California. In light of the transfer, this Court will not resolve Petitioner’s pending motion (docket no. 2).

IT IS SO ORDERED.

DATED: July 26, 2007

  
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 JEFFREY S. WHITE  
 United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

MIGUEL GARCIA JR.,  
Plaintiff,

Case Number: CV07-03669 JSW

**CERTIFICATE OF SERVICE**

v.

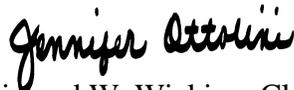
R.A. HOREL et al,  
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 26, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Miguel Garcia  
P70850  
P.O. Box 7500  
Crescent City, CA 95532

Dated: July 26, 2007



Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk

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