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

DERRECK E. SUNDERLAND,)	
)	
Petitioner,)	No. C 07-5345 CRB (PR)
)	
vs.)	ORDER OF TRANSFER
)	
JAMES D. HARTLEY, Acting Warden,)	(Doc # 5)
)	
Respondent.)	
_____)	

Petitioner, a state prisoner incarcerated at Avenal State Prison, seeks a writ of habeas corpus under 28 U.S.C. § 2254. For the reasons set forth below, the petition will be transferred to the United States District Court for the Eastern District of California.

I

Pursuant to a negotiated plea agreement, petitioner pled guilty to second degree murder with use of a knife in San Francisco County Superior Court and, on April 6, 1984, was sentenced to 16 years to life in state prison.

Petitioner has been denied parole each time he has appeared before the Board of Prison Terms (BPT) (currently the Board of Parole Hearings (BPH)).

On July 9, 2003, the BPT found petitioner not suitable for parole and denied him a subsequent parole suitability hearing for three years.

III

For the reasons set forth above, 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 habeas action be transferred to the United States District Court for the Eastern District of California.

The clerk shall transfer this matter and terminate all pending motions (see, e.g., doc # 5) as moot.

SO ORDERED.

DATED: Jan. 13, 2009



CHARLES R. BREYER
United States District Judge

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