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

DARREL L. MYERS,	)	No. C 08-0758 TEH (PR)
	)	
Petitioner,	)	
	)	
vs.	)	<b>TRANSFER ORDER</b>
	)	
RICH SUBIA, Warder, et al,	)	(Docket nos. 2, 3)
	)	
Respondent.	)	

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Petitioner, a prisoner of the State of California currently incarcerated at Mule Creek State Prison in Ione, California, has filed a petition for a writ of habeas corpus seeking review of his criminal conviction from Yolo 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 motions (docket nos. 2, 3).

SO ORDERED.

DATED: 02/06/08

  
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 THELTON E. HENDERSON  
 United States District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

DARREL L MYERS,  
Plaintiff,

Case Number: CV08-00758 TEH

**CERTIFICATE OF SERVICE**

v.

RICH SUBIA et al,  
Defendant.

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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 February 6, 2008, 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.

Darrel L. Myers J-82192  
Mule Creek State Prison  
Bldg. A-2 137  
P.O. Box 409020  
Ione, CA 95640

Dated: February 6, 2008

  
Richard W. Wieking, Clerk  
By: R.B. Espinosa, Deputy Clerk