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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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ONESIMO HARO,

No. C 08-1325 WHA (PR)

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Petitioner,

**ORDER OF TRANSFER**

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vs.

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J. HARTLEY,

Warden,

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Respondent.

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This is a habeas case filed pro se by a state prisoner. He has paid the filing fee.

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Petitioner contends that the Board of Parole Hearings and the California Department of

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Corrections and Rehabilitation are denying him parole on the basis of facts contrary to those

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found at his trial, or on the basis of facts not tried to a jury and found to be true beyond a

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reasonable doubt. The petition therefore goes to the execution of petitioner's sentence.

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Petitioner was convicted in Santa Clara County, which is in this district, and is

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incarcerated at Avenal State Prison, which lies within the venue of the Eastern District of

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California. Venue is proper in a habeas action in either the district of confinement or the

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district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the

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preferable forum to review the execution of a sentence. Habeas L.R. 2254-3(a); *Dunne v.*

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*Henman*, 875 F.2d 244, 249 (9th Cir. 1989). This petition therefore is **TRANSFERRED** to the

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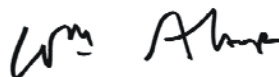
United States District Court for the Eastern District of California.

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**IT IS SO ORDERED.**

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Dated: October   3  , 2008.



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 WILLIAM ALSUP  
 UNITED STATES DISTRICT JUDGE

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