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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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10 TIMOTHY JAMES BELL,)
11 Petitioner,) No. C 08-1363 TEH (PR)
12 vs.) ORDER OF TRANSFER
13 STEVEN MOORE, Warden,) (Docket Nos. 2, 3)
14 Respondent.)
_____)


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16 On March 10, 2008, Petitioner, a state prisoner incarcerated at Deuel Vocational
17 Institution in Tracy, California, filed a pro se petition for a writ of habeas corpus under
18 28 U.S.C. § 2254 challenging the California Board of Prison Terms' ("BPT") decision to
19 deny him parole. Petitioner has filed a motion to proceed in forma pauperis (docket no.
20 2) and a motion seeking appointment of counsel (docket no. 3). Deuel Vocational
21 Institute is located within San Joaquin County, which lies within the Eastern District of
22 California. See id. § 84(b).

23 Venue is proper in a habeas action in either the district of conviction or the
24 district of confinement, id. § 2241(d). However, the district of confinement is the
25 preferable forum to review the execution of a sentence, including parole. See Habeas
26 L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989); cf. Laue v.
27 Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968) (district of conviction preferable forum
28 to review conviction). Because the County of San Joaquin lies in the Eastern District of

1 California, the Court orders that pursuant to 28 U.S.C. § 1404(a) and Habeas Local Rule
2 2254-3(b), and in the interest of justice, this petition be transferred to the United States
3 District Court for the Eastern District of California. In light of the transfer, this Court
4 will not resolve Petitioner's pending motions (docket nos. 2, 3). The Clerk shall transfer
5 this matter forthwith.

6 SO ORDERED.

7 DATED: 10/6/08

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THELTON E. HENDERSON
United States District Judge