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3
4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6

7 In Re.

No. C 08-3835 MHP (pr)

8 ANTHONY R. TURNER,

ORDER OF TRANSFER

9 Petitioner.
10 _____/

11 Anthony R. Turner, an inmate at the Deuel Vocational Institute in San Joaquin
12 County, filed this action to challenge his conviction in Yolo County Superior Court.
13 Although he used the form for challenging a federal court conviction, see 28 U.S.C. § 2255,
14 the text makes clear that Turner challenges a state court conviction rather than a federal court
15 conviction. Both San Joaquin County (i.e., the county in which he is incarcerated) and Yolo
16 County (i.e., the county in which the conviction occurred) lie within the venue of the Eastern
17 District of California. Venue is proper in a habeas action in either the district of confinement
18 or the district of conviction, 28 U.S.C. § 2241(d); however, a petition challenging a
19 conviction or sentence is preferably heard in the district of conviction. Habeas L.R. 2254-
20 3(b). Because the conviction occurred in the Eastern District of California, pursuant to 28
21 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interest of justice, this action is
22 TRANSFERRED to the United States District Court for the Eastern District of California.
23 The clerk shall transfer this matter.

24 IT IS SO ORDERED.

25 DATED: September 2, 2008

26 
Marilyn Hall Patel
United States District Judge
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