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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re.

No. C 08-3858 SI (pr)

DANNY RAY GARCIA,
Petitioner.

ORDER OF TRANSFER

Danny Ray Garcia, an inmate at Mule Creek State Prison, has filed a petition for writ of habeas corpus to challenge his conviction and sentence from the Butte County Superior Court. Butte County lies within the venue of the Eastern District of California and Mule Creek State Prison lies within the venue of the Eastern District of California. Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, a petition challenging a conviction or the sentence imposed is preferably heard in the district of conviction. See Habeas L.R. 2254-3(b). Because the conviction occurred in, and the prisoner is housed in, the Eastern District of California, pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this action is TRANSFERRED to the United States District Court for the Eastern District of California. The clerk shall transfer this matter forthwith.

IT IS SO ORDERED.

DATED: December 18, 2008


SUSAN ILLSTON
United States District Judge

United States District Court
For the Northern District of California