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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
7

8 In Re.

No. C 08-4042 SI (pr)

9 DANNY RAY GARCIA,

ORDER OF TRANSFER

10 Petitioner.
11 _____/

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

24 IT IS SO ORDERED.

25 DATED: February 25, 2009

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SUSAN ILLSTON
United States District Judge