

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DAVID BERRY,

No. C 08-4563 SI (pr)

Petitioner,

**ORDER OF TRANSFER**

v.


L. WATSON, Warden,

Respondent.  
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Petitioner has filed a petition for writ of habeas corpus to challenge a prison disciplinary decision. Although the disciplinary decision occurred while he was at the California Correctional Center in Susanville in Lassen County, petitioner is now incarcerated at Avenal State Prison in Kings County. Both Lassen County and Kings County are 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, the district of confinement is the preferable forum to review the execution of a sentence, such as a claim concerning a prison disciplinary decision. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Because petitioner is confined in the Eastern District of California and challenging the execution of his sentence, 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

  
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SUSAN ILLSTON  
United States District Judge