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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OMAR SHARRIEFF GAY,

No. C 09-1197 WHA (PR)

Petitioner,

**ORDER OF TRANSFER**

vs.

MIKE EVANS, Warden,

Respondent.

\_\_\_\_\_ /

This habeas case was opened when the clerk received an order from the United States Court of Appeals for the Ninth Circuit granting petitioner leave to file a second or successive habeas petition.

Petitioner clearly says in his court of appeals motion for leave to file a second or successive petition that he was convicted in the Superior Court of Santa Barbara County and that his previous habeas petition was in the United States District Court for the Central District of California. The substance of the claim goes to his conviction, not the execution of his sentence at the prison. Santa Barbara County is in the venue of the United States District Court for the Central District of California. Petitioner is incarcerated at Salinas Valley State Prison, which is in this district.

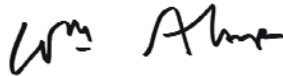
Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, petitions challenging a conviction are preferably heard in the district of conviction. Habeas L.R. 2254-3(a); *Laue v. Nelson*, 279 F. Supp. 265,

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266 (N.D. Cal. 1968). Because petitioner was convicted in Santa Barbara County, this case is  
**TRANSFERRED** to the United States District Court for the Central District of California. *See* 28  
U.S.C. § 1406(a); Habeas L.R. 2254-3(b).

**IT IS SO ORDERED.**

Dated: March 25, 2009.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE