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

MICHAEL B. WILLIAMS,

1:09-cv-01274-YNP (HC)

Petitioner,

ORDER TRANSFERRING CASE TO THE
UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF
CALIFORNIA

vs.

PAM AHLIN,

Respondent.

_____ /

Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28 U.S.C. § 2254.

Venue for a habeas action is proper in either the district of confinement or the district of conviction. 28 U.S.C. A. § 2241 (d). However, it is preferable for petitions challenging a conviction or sentence to be heard in the district of conviction while petitions challenging the manner in which the sentence is being executed be heard in the district of confinement. Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989).

In this case, the petitioner is challenging a conviction from San Francisco County, which is in the Northern District of California; therefore, the petition should have been filed in the United States District Court for the Northern District of California. In the interest of justice, a federal court may

1 transfer a case filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v.
2 McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

3 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States
4 District Court for the Northern District of California.

5 IT IS SO ORDERED.

6 **Dated: July 30, 2009**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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