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

10 DAVID SHAFFER,

11 Petitioner,

No. CIV S-09-1543 DAD P

12 vs.

13 STATE OF CALIFORNIA, et al.,

14 Respondents.

ORDER

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16 On June 4, 2009, petitioner, a state prisoner proceeding pro se, filed a letter with  
17 this court in which he appeared to ask for copies of his state and federal petitions for writ of  
18 habeas corpus. On June 15, 2009, the court advised petitioner that he did not have any habeas  
19 corpus actions pending in this court. The court also advised petitioner that in order to commence  
20 such an action, he needed to file a petition for writ of habeas corpus as required by Rule 3 of the  
21 Rules Governing Section 2254 cases, and must either pay the required filing fee or file an  
22 application requesting leave to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a), 1915(a).  
23 Petitioner has since filed with this court what appears to be a copy of his petition for writ of  
24 habeas corpus filed in the Santa Cruz County Superior Court and a copy of his petition for writ of  
25 habeas corpus filed with the California Court of Appeal for the Sixth Appellate District. He has  
26 also filed an application requesting leave to proceed in forma pauperis and several other motions.

1 Based on petitioner's recent filings, it appears that petitioner is attempting to  
2 challenge a 2007 judgment of conviction entered by the Santa Cruz County Superior Court.  
3 Petitioner is presently incarcerated at California Correctional Institution in Tehachapi, California.

4 While both the Fresno Division of this Court and the United States District Court  
5 in the district where petitioner was convicted have jurisdiction over petitioner's application for a  
6 writ of habeas corpus, see Braden v. 30th Judicial Circuit Court, 410 U.S. 484 (1973), any and all  
7 witnesses and evidence necessary for the resolution of petitioner's application are more readily  
8 available in Santa Cruz County. Id. at 499 n.15; 28 U.S.C. § 2241(d).<sup>1</sup>

9 Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that:

10 1. This court has not ruled on petitioner's application to proceed in forma  
11 pauperis; and

12 2. This matter is transferred to the United States District Court for the Northern  
13 District of California.

14 DATED: August 27, 2009.

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17 DALE A. DROZD  
18 UNITED STATES MAGISTRATE JUDGE

17 DAD:9  
18 shaf1543.108

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24 <sup>1</sup> Petitioner is advised that the exhaustion of state court remedies is a prerequisite to the  
25 granting of a petition for writ of habeas corpus. See 28 U.S.C. § 2254(b)(1). A petitioner  
26 satisfies the exhaustion requirement by fairly presenting to the highest state court all federal  
claims before presenting them to the federal court. See Duncan v. Henry, 513 U.S. 364, 365  
(1995); Picard v. Connor, 404 U.S. 270, 276 (1971); Crotts v. Smith, 73 F.3d 861, 865 (9th Cir.  
1996); Middleton v. Cupp, 768 F.2d 1083, 1086 (9th Cir. 1986).