

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAANTHONY CRAIG SMITH,
Petitioner,

No. C 09-4268 SI (pr)

ORDER OF TRANSFER

v.

MATTHEW CATE,
Respondent.

Anthony Craig Smith, an inmate at the Sierra Conservation Center in Jamestown, has filed a petition for writ of habeas corpus to challenge his conviction from the Solano County Superior Court. Solano County lies 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, a petition challenging a conviction or the sentence imposed is preferably heard in the district of conviction. See Habeas L.R. 2254-3(b). Because the conviction occurred in, and the prisoner is housed in, the Eastern District of California, 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: November 17, 2009



SUSAN ILLSTON
United States District Judge