

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

RONNIE DAVID STRINGER,)
Petitioner,) No. C 09-4987 MHP
vs.)
JOHN MARSHALL, Warden,) ORDER OF
Respondent.) TRANSFER

Petitioner seeks to challenge a conviction obtained from the Superior Court of Solano County, which lies within the venue of the Eastern District of California.. According to the petition, petitioner is incarcerated in San Luis Obispo County, which lies within the venue of the Central 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, 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, 266 (N.D. Cal. 1968); cf. Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989) (district of confinement best forum to review execution of sentence). Petitioner is neither confined nor was convicted in a county within the Northern District of California. It is unclear why the petitioner's attorney filed the petition in this District.

Accordingly, the court hereby ORDERS that pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this petition be TRANSFERRED to the United States District Court for the Eastern District of California.

The Clerk of the Court is directed to transfer this matter forthwith.

IT IS SO ORDERED

DATED: October 23, 2009

~~Marilyn Hall Patel
United States District Judge~~