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

4 LONNIE DAVID STRINGER,

5 Petitioner,

6 vs.

7 JOHN MARSHALL, Warden,

8 Respondent.
9 _____

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) No. C 09-4987 MHP
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ORDER OF
TRANSFER

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11 Petitioner seeks to challenge a conviction obtained from the Superior Court of
12 Solano County, which lies within the venue of the Eastern District of California.. According to
13 the petition, petitioner is incarcerated in San Luis Obispo County, which lies within the venue of
14 the Central District of California. Venue is proper in a habeas action in either the district of
15 confinement or the district of conviction, 28 U.S.C. § 2241(d); however, petitions challenging a
16 conviction are preferably heard in the district of conviction. Habeas L.R. 2254-3(a); Laue v.
17 Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968); cf. Dunne v. Henman, 875 F.2d 244, 249 (9th
18 Cir. 1989) (district of confinement best forum to review execution of sentence). Petitioner is
19 neither confined nor was convicted in a county within the Northern District of California. It is
20 unclear why the petitioner's attorney filed the petition in this District.

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

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

25 IT IS SO ORDERED.

26 DATED: October 23, 2009

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28 Marilyn Hall Patel
United States District Judge