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

ROXANNE ARI,

No. C 10-0894 WHA (PR)

Petitioner,

ORDER OF TRANSFER

vs.

MARY LATTIMORE,

Respondent.

(Docket Nos. 2 & 4)

This is a habeas case brought pro se by a state prisoner to challenge denial of parole. Petitioner was convicted in Contra Costa County Superior Court, which is in this district, and she is incarcerated at California Central Women's Facility in Chowchilla, California, which is in the Eastern District.

Because petitioner's claim is about the denial of parole, it is a challenge to the execution of his sentence, rather than the validity of it. Venue for habeas cases involving state prisoners is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence. Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).


Pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this petition is **TRANSFERRED** to the United States District Court for the Eastern

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District of California. In light of this transfer, ruling on the application for leave to proceed in forma pauperis and the motion for appointment of counsel is deferred to the Eastern District, and the clerk shall terminate the motions (docket numbers 2 & 4) from this court's docket.

IT IS SO ORDERED.

Dated: March 31, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE