

FILED
MAR 15 2010
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

HENRY AMADOR,
Petitioner,

vs.

R. E. BARNS, Warden,
Respondent.

No. C 10-0955 JSW (PR)

ORDER OF TRANSFER

(Docket No. 2)

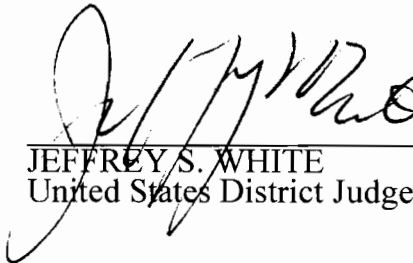
Petitioner is a state prisoner currently incarcerated at the California Correctional Center, located in Susanville, California, within the venue of the United States District Court for the Eastern District of California. On March 5, 2010, Petitioner filed this petition regarding his classification hearing by prison authorities. Petitioner has also filed an incomplete application to proceed *in forma pauperis* (docket no. 2).

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. *See id.* However, if the petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable forum. *See* Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

1 Petitioner's claims are directed to the execution of sentence, in that they involve
2 the manner in which his sentence is executed, specifically, a classification determination
3 made at the prison. Therefore, this Court will transfer this action to the United States
4 District Court for the Eastern District of California. Accordingly, IT IS ORDERED in
5 the interest of justice, and pursuant to 28 U.S.C. § 1406(a), that this action be
6 TRANSFERRED to the United States District Court for the Eastern District of
7 California forthwith. In light of the transfer, this Court will not resolve Petitioner's
8 pending motion (docket no. 2).

9 IT IS SO ORDERED.

10 DATED: **MAR 15 2008**



JEFFREY S. WHITE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

HENRY AMADOR,
Plaintiff,

Case Number: CV10-00955 JSW
CERTIFICATE OF SERVICE

v.

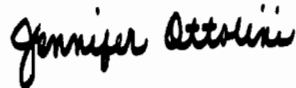
R E BARNES et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 15, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Henry Amador
P.O. Box 2210
C28545
Susanville, CA 96127

Dated: March 15, 2010



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk