

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BENNY WIGGINS,
Petitioner,

No. C 10-1644 MHP (pr)

ORDER OF TRANSFER

v.

MIKE POULOS, warden,
Respondent.

Benny Wiggins filed a petition for writ of habeas corpus to challenge the denial of parole by the Board of Parole Hearings. Wiggins is incarcerated at the California state prison in Chino, which is in San Bernardino County. The parole hearing took place at the California Men's Colony in San Luis Obispo County. Both San Bernardino County and San Luis Obispo County are 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, the district of confinement is the preferable forum to review the execution of a sentence, such as a time credit calculation or parole denial claim. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Because petitioner is confined in the Central District of California and challenging the execution of his sentence, 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 Central District of California. The clerk shall transfer this matter.

IT IS SO ORDERED.

DATED: April 20, 2010


Marilyn Hall Patel
United States District Judge