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

<p>LAMERLE RONNIE JOHNSON,</p>	}	No. C 10-3004 JSW (PR)
<p>Petitioner,</p>	}	
<p>vs.</p>	}	ORDER OF TRANSFER
<p>MIKE MARTEL, Warden,</p>	}	(Docket No. 2)
<p>Respondents.</p>	}	

Petitioner is a state prisoner currently incarcerated at Mule Creek State Prison, located in Ione, California, within the venue of the United States District Court for the Eastern District of California, challenging the denial of parole.

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).


Petitioner's claims are directed to the execution of sentence, in that they involve the denial of parole. Therefore, this Court will transfer this action to the United States District Court for the Eastern District of California. Accordingly, IT IS ORDERED in

1 the interest of justice, and pursuant to 28 U.S.C. § 1406(a), that this action be
2 TRANSFERRED to the United States District Court for the Eastern District of
3 California. In light of the transfer, this Court will not resolve Petitioner's pending
4 motion for judicial notice (docket no. 2).

5 The Clerk of the Court shall transfer this matter forthwith.

6 IT IS SO ORDERED.

7 DATED: November 29, 2010

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9 _____
10 JEFFREY S. WHITE
11 United States District Judge
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 LA MERLE RONNIE JOHNSON,
6
7 Plaintiff,

Case Number: CV10-03004 JSW

CERTIFICATE OF SERVICE

8 v.


9 MIKE MARTEL et al,
10 Defendant.
11

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

13 That on November 29, 2010, I SERVED a true and correct copy(ies) of the attached, by placing
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
15 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.

16
17 LaMerle Ronnie Johnson
18 J92682
19 MCSP
20 P.O. Box 409060
Ione, CA 95640-9060

21 Dated: November 29, 2010


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