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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 MICHAEL RAY ROGERS,

No C-10-3475 VRW (PR)

12 Petitioner,

13 v

ORDER OF TRANSFER

14 M MARTELL, Warden,

15 Respondent.  
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18 Petitioner Michael Ray Rogers has filed a pro se petition  
19 for a writ of habeas corpus challenging the forfeiture of time  
20 credits following a guilty finding at a prison disciplinary hearing.  
21 See Doc #1. At the time he initiated this action, petitioner, a  
22 California prisoner and frequent litigant in federal court, was  
23 incarcerated at Mule Creek State Prison in Ione, California (Amador  
24 County), which lies within the venue of the Eastern District of  
25 California. See 28 USC § 84(b).


26 Venue in a habeas action is proper in either the district  
27 of conviction or the district of confinement. See 28 USC § 2241(d);  
28 Habeas LR 2254-3(a). For petitions such as the one filed here,

1 which challenges the loss of time credits - ie, the manner in which  
2 a sentence is being executed - the district of confinement at the  
3 time the petition was filed is the preferable forum. See Habeas LR  
4 2254-3(a)(2); Dunne v Henman, 875 F2d 244, 249 (9th Cir 1989)  
5 (proper forum to challenge the execution of a sentence is the  
6 district where prisoner is confined).

7 Because Amador County lies within the Eastern District of  
8 California, pursuant to 28 USC § 1406(a) and Habeas Local Rule  
9 2254-3(b)(2) and in the interest of justice, the court orders this  
10 petition TRANSFERRED to the United States District Court for the  
11 Eastern District of California.

12 The clerk shall terminate all pending motions as moot,  
13 close the file and transfer this matter to the United States  
14 District Court for the Eastern District of California.

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16 IT IS SO ORDERED.

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20 VAUGHN R WALKER  
21 United States District Chief Judge  
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