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

DANIEL MAURICE ROCHA,

No. C 11-0041 WHA (PR)

Petitioner,

ORDER OF TRANSFER

vs.

M. McDONALD, Warden,

Respondent.

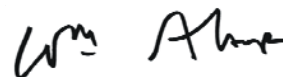
In this habeas case petitioner seeks to challenge a conviction and sentence incurred in the Superior Court of Calaveras County. San Bernardino County is in the venue of the United States District Court for the Eastern District of California. 28 U.S.C. 84. Petitioner is incarcerated at High Desert State Prison, which is also in the venue of the Eastern District.

Ibid.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. 2241(d); however, petitions challenging a conviction are preferably heard in the district of conviction. Habeas L.R. 2254-3(a); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Because petitioner was convicted in Eastern District, this case is **TRANSFERRED** to the United States District Court for the Eastern District of California. See 28 U.S.C. § 1406(a); Habeas L.R. 2254-3(b). Ruling on the application to proceed in forma pauperis will be deferred to the Eastern District.

IT IS SO ORDERED.

Dated: February 11, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

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