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

7
8 KEITH A. THOMPSON,

9 Petitioner,

10 vs.

11 K. DICKINSON, Warden,

12 Respondent.

) No. C 11-3793 JSW (PR)

) **ORDER OF TRANSFER**

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14 Petitioner is a state prisoner currently incarcerated at the California Medical
15 Facility in Vacaville. He has filed a pro se petition for a writ of habeas corpus under 28
16 U.S.C. § 2254 arguing that the California Board of Parole Hearings has violated his
17 constitutional rights by denying him parole. He is in custody based upon a conviction
18 obtained in Monterey County Superior Court in 1991. Monterey County is located
19 within the venue of this court, but Vacaville, where Petitioner is incarcerated, is located
20 within the venue of the United States District Court for the Eastern District of California.
21 *See* 28 U.S.C. § 84.

22 A petition for a writ of habeas corpus made by a person in custody under the
23 judgment and sentence of a state court of a state which contains two or more federal
24 judicial districts may be filed in either the district of confinement or the district of
25 conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent
26 jurisdiction to entertain the petition; however, the district court for the district where the
27 petition is filed may transfer the petition to the other district in the furtherance of justice.
28 *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

1 the preferable forum. *See* Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249
2 (9th Cir. 1989).


3 Petitioner challenges the denial of parole in this case, and thus it is directed to the
4 manner in which his sentence is being executed, not to the validity of his conviction.
5 Consequently, the preferable venue for this case is the district of confinement, in this
6 case the United States District Court for the Eastern District of California. *See* Habeas
7 L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

8 Accordingly, IT IS ORDERED in the interest of justice, and pursuant to 28
9 U.S.C. § 1406(a), that this action be TRANSFERRED to the United States District Court
10 for the Eastern District of California.

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

12 IT IS SO ORDERED.

13 DATED: August 30, 2011

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16 JEFFREY S. WHITE
17 United States District Judge
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
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5 KEITH A. THOMPSON,
6
7 Plaintiff,

Case Number: CV11-03793 JSW

CERTIFICATE OF SERVICE

8 v.

9 K. DICKINSON 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 August 30, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
15 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 Keith A. Thompson
18 California Medical Facility
19 E98106
20 P.O. Box 2000
Vacaville, CA 95696

21 Dated: August 30, 2011



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