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E-Filed 6/12/12

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANTONIO R. WILLIAMS,
Petitioner,

No. C 11-4366 RS (PR)

v.

**ORDER REOPENING ACTION;
ORDER OF TRANSFER**

JOHN DOE,
Respondent.

_____ /
This federal habeas corpus action was dismissed in 2011 because petitioner failed to pay the filing fee or file an application to proceed *in forma pauperis*. In 2012, petitioner filed a new habeas action (12-2479 RS) in which he challenged the same conviction at issue in the instant matter. The Court construes the new petition (12-2479) as a motion to reopen the instant petition. So construed, the motion is GRANTED, and the instant action is hereby REOPENED. Accordingly, the judgment (Docket No. 5) and the order of dismissal (Docket No. 4) are hereby VACATED.

According to the petition, in 2009, a Solano County Superior Court jury convicted petitioner of second degree murder. Solano County lies in the venue of the Eastern District of California. Venue is proper in a habeas action in either the district of confinement or the

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district of conviction, 28 U.S.C. § 2241(d); however, a petition challenging a conviction or the sentence imposed is preferably heard in the district of conviction. *See* Habeas L.R. 2254-3(b). Because petitioner suffered his convictions in the Eastern District, this action is TRANSFERRED to the United States District Court for the Eastern District of California pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice. The Clerk shall reopen the action and transfer it forthwith.

IT IS SO ORDERED.

DATED: June 12, 2012


RICHARD SEEBORG
United States District Judge