Raya v. Grounds Doc. 6

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

ADAN MADERO RAYA, Petitioner, vs. RONALD GROUNDS, et al., Respondent.	No. C 11-4529 JSW (PR) **ORDER OF TRANSFER** (Docket No. 5)

Petitioner is a state prisoner currently incarcerated at Salinas Valley State Prison in Soledad. He has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a conviction obtained in Shasta County. 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). The district of conviction is the preferred forum, however. *Dannenberg v. Ingle*, 831 F. Supp. 767, 768 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). As Petitioner was convicted and in the Eastern District, this action is TRANSFERRED to the United States District Court for the Eastern District of California. *See* 28 U.S.C. § 1406(a). Ruling on Petitioner's application to proceed in forma pauperis is deferred to the Eastern District. The Clerk of the Court shall transfer this matter forthwith and terminate docket number 5 from this Court's docket.

IT IS SO ORDERED.

DATED: September 27, 2011

JEFFREY S. WHITE
United States District Judge

Dockets.Justia.com