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3
4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6

7 WILLIAM LAURELES,
8 Petitioner,
9

No. C 11-4831 SI (pr)

ORDER OF TRANSFER

10 v.

11 RANDY GROUNDS; et al.,
12 Respondents.
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14 William Laureles, an inmate at the Correctional Training Facility in Soledad, California,
15 has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254, to challenge the sentence
16 he received from the Riverside County Superior Court. His claim wears a somewhat unusual
17 cloak – as he argues that prison officials have failed in their duty under California Penal Code
18 § 1170(d) to refer his case to the sentencing court for sentence correction – but his legal claim
19 is that his Three-Strikes sentence violates the Fourteenth Amendment's Equal Protection Clause
20 because not all Three-Strikes eligible defendants receive Three-Strikes sentences and therefore
21 the sentencing scheme is being applied in a non-uniform, disparate and unequal manner.
22 Laureles' challenge is to the sentence imposed and not to the execution of his sentence. The
23 county in which he was convicted and sentenced is Riverside County, within the venue of the
24 Central District of California. The facility Laureles is incarcerated at is in Monterey County,
25 within the venue of the Northern District of California. Venue is proper in a habeas action in
26 either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, a
27 petition challenging a conviction or the sentence imposed is preferably heard in the district of
28 conviction. *See* N. D. Cal. Habeas L.R. 2254-3(b). Because the conviction occurred in the

1 Central District of California, pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and
2 in the interests of justice, this action is TRANSFERRED to the United States District Court for
3 the Central District of California. The clerk shall transfer this matter forthwith.

4 IT IS SO ORDERED.

5 DATED: October 31, 2011



6 SUSAN ILLSTON
United States District Judge

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