

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

KACEY VALLI,) No. C 11-5623 JSW (PR)
Petitioner,)
vs.)
ANTHONY HEDGEPETH,) **ORDER OF TRANSFE**
Respondent.) (Docket No. 2)

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 Sacramento 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, where the petition is challenging the conviction or sentence itself. *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.

1 The Clerk of the Court shall transfer this matter forthwith and terminate docket
2 number 2 from this Court's docket.

3 **IT IS SO ORDERED.**

4 DATED: December 21, 2011

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7 JEREMY S. WHITE
8 United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

KACEY VALLI,

Case Number: CV11-05623 JSW

Plaintiff,

CERTIFICATE OF SERVICE

V.

ANTHONY HEDGPETH et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 21, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing 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.

Kacey Valli
Salinas Valley State Prison
P.O. Box 1050
T58068
Soledad, CA 93960

Dated: December 21, 2011

Jennifer Ottolini

Richard W. Wiekling, Clerk
By: Jennifer Ottolini, Deputy Clerk