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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDDIE LEE CHESTANG,
Petitioner,

No. C 12-459 (pr)

ORDER OF TRANSFER

v.


SWARTHOUGH, warden,
Respondent.

United States District Court
For the Northern District of California

Petitioner, who was convicted in Alameda County Superior Court and now is incarcerated at the California State Prison - Solano, has filed a petition for writ of habeas corpus in which he alleges that the minimum eligible parole date and/or maximum eligible parole date set by the Board of Prison Terms are improper. The petition appears to challenge the execution of his sentence. The prison at which petitioner is incarcerated is in Solano County, within the venue of the Eastern District of California. Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence. *See* Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). Because petitioner is now confined in the Eastern District of California and challenging the execution of his sentence, pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this action is TRANSFERRED to the United States District Court for the Eastern District of California. The clerk shall transfer this matter forthwith.

IT IS SO ORDERED.

DATED: January 31, 2012


SUSAN ILLSTON
United States District Judge