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

7 KENNETH RAYMOND CALIHAN,) No. C 12-3180 JSW (PR)
8 Petitioner,) **ORDER OF TRANSFER**
9 vs.)
10 WILLIAM KNIPP, Warden,) (Docket No. 2)
11 Respondent.)
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14 Petitioner is a state prisoner currently incarcerated in Tehachapi, California. He
15 has filed a pro se petitions for a writ of habeas corpus under 28 U.S.C. § 2254
16 challenging disciplinary proceedings that occurred at Mule Creek State Prison, where he
17 was formerly housed, and that resulted in his losing “good time” credits against his
18 sentence. Tehachapi and Mule Creek State Prison both lie within the venue of the
19 Eastern District of California. *See* 28 U.S.C. § 84.


20 A petition for a writ of habeas corpus made by a person in custody under the
21 judgment and sentence of a state court of a state which contains two or more federal
22 judicial districts may be filed in either the district of confinement or the district of
23 conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent
24 jurisdiction to entertain the petition; however, the district court for the district where the
25 petition is filed may transfer the petition to the other district in the furtherance of justice.
26 *Id.* If the petition is directed to the manner in which a sentence is being executed, as it is
27 in this case insofar as it involves time credits claims, the district of confinement is the
28 preferable forum. *See* Habeas L.R. 2254-3(b)(2); *Dunne v. Henman*, 875 F.2d 244, 249
(9th Cir. 1989).

1 As Petitioner is confined in the Eastern District, this action is TRANSFERRED to
2 the United States District Court for the Eastern District of California. See 28 U.S.C. §
3 1406(a). Ruling on the pending application for leave to proceed in forma pauperis
4 (docket number 2) is deferred to the Eastern District in light of this transfer.

5 The Clerk of the Court shall transfer this matter forthwith.

6 IT IS SO ORDERED.

7 DATED: July 9, 2012

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10 JEFFREY S. WHITE
11 United States District Judge
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
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5 KENNETH RAYMOND CALIHAN,
6
7 Plaintiff,

Case Number: CV12-03180 JSW

CERTIFICATE OF SERVICE

8 v.


9 WILLIAM KNIPP et al,
10 Defendant.
11

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

13 That on July 9, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
15 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.

16
17 Kenneth Raymond Calihan
18 F17158
19 P O Box 3476
Tehachapi, CA 93581

20 Dated: July 9, 2012


21 Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk
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