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

MICHAEL O. JOHNSON, AK8542, Petitioner,	)	No. C 13-0435 CRB (PR)
vs.	)	ORDER OF TRANSFER
M. SPEARMAN, Warden, Respondent.	)	

Petitioner seeks federal habeas review of a conviction from San Joaquin County Superior Court, which lies within the venue of the Eastern District of California. See 28 U.S.C. § 84(b). Petitioner is incarcerated at the Correctional Training Facility in Monterey County, which lies within the venue of this district. See id. § 84(a).

Venue is proper in a habeas action in either the district of confinement or the district of conviction, see id. § 2241(d); however, petitions challenging a conviction preferably are heard in the district of conviction. See Habeas L.R. 2254-3(a); Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993).

Because San Joaquin County lies in the Eastern District of California, the court ORDERS that pursuant to 28 U.S.C. § 1404(a) and Habeas Local Rule 2254-3(b), and in the interest of justice, this petition be TRANSFERRED to the United States District Court for the Eastern District of California.

The clerk shall transfer this matter and terminate all pending motions as moot.

SO ORDERED.

DATED: Feb. 1, 2013

CHARLES R. BREYER
United States District Judge

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