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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES PAYNE,
Petitioner,
v.
AUDREY KING,
Respondent.

Case No. 14-cv-01078-JST (PR)

ORDER OF TRANSFER

United States District Court
Northern District of California

On March 7, 2014, petitioner, a civil detainee confined at Coalinga State Hospital and awaiting civil commitment proceedings, filed the above-titled pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner is being held pursuant to an order of the Tulare County Superior Court.

Tulare County lies within the venue of the Eastern District of California. Coalinga State Hospital, where petitioner is confined, is also 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), although a petition challenging a conviction or the sentence imposed is preferably heard in the district of conviction. See N. D. Cal. Habeas L.R. 2254-3(b). Here, the proper venue is the Eastern District of California because petitioner was committed and is confined in that district. Pursuant to 28 U.S.C. § 1406(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: April 15, 2014


JON S. TIGAR
United States District Judge