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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERTO SANTIAGO RAMIREZ,
Petitioner,
v.
SPEARMAN,
Respondent.

Case No. [14-cv-02110-VC](#)

**ORDER GRANTING MOTION TO
TRANSFER VENUE**

Re: Dkt. No. 10

Petitioner Roberto Santiago Ramirez, a state prisoner incarcerated at the California Training Facility in Soledad, filed a *pro se* petition for a writ of habeas corpus pursuant to 42 U.S.C. § 2254. On August 15, 2014, the Court issued an order for Respondent to show cause why the petition should not be granted. On October 9, 2014, Respondent filed a motion to transfer this action to the Eastern District of California. Ramirez has not filed an opposition.

According to the petition, Ramirez was convicted in the Kern County Superior Court of shoplifting items worth \$40.00 and was sentenced, under the three strikes law, to twenty-seven years to life in prison. He challenges the twenty-seven year sentence as cruel and unusual punishment. Kern County Superior Court lies in the Eastern District of California.

A petition for a writ of habeas corpus filed by a state prisoner in a State that 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 court where the petition is filed may transfer the petition to the other district in the furtherance of justice. *See id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993); Habeas L.R. 2254-3(a).

Because Ramirez is challenging the sentence imposed by the Kern County Superior Court,

1 venue for his habeas case lies in the Eastern District, not in this district. Accordingly,
2 Respondent's motion to transfer venue is granted. The Court orders that, pursuant to 28 U.S.C. §
3 1404(a) and Habeas L.R. 2254-3(b), the Clerk of the Court transfer this petition to the United
4 States District Court for the Eastern District of California.
5 This Order terminates docket number 10.

6 **IT IS SO ORDERED.**

7 Dated: November 14, 2014



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9 VINCE CHHABRIA
United States District Judge

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERTO SANTIAGO RAMIREZ,
Plaintiff,
v.
SPEARMAN,
Defendant.

Case No. [14-cv-02110-VC](#)

CERTIFICATE OF SERVICE


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 11/14/2014, 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.

Roberto Santiago Ramirez ID: K-37446
California Training Facility, North A-120-L
P.O. Box 705
Soledad, CA 93960

Dated: 11/14/2014

Richard W. Wieking
Clerk, United States District Court

By: 
Kristen Melen, Deputy Clerk to the
Honorable VINCE CHHABRIA