

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DENA MARKS,

Case No. [14-cv-02691-JD](#)

Plaintiff,

ORDER OF TRANSFER

v.

D.K. JOHNSON,

Defendant.

This is a habeas case filed pro se by a state prisoner. In the nearly 400 page petition, petitioner raises claims regarding the conditions of her confinement and she appears to challenge her underlying conviction as she seeks release from prison. Petitioner was convicted in Sacramento County and is incarcerated in Madera County, both of which lie in the venue of the United States District Court for the Eastern District of California.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); this district is neither. Because petitions challenging a conviction are preferably heard in the district of conviction, Habeas L.R. 2254-3(a); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968), and petitioner was convicted in Sacramento County, this case is **TRANSFERRED** to the United States District Court for the Eastern District of California. See 28 U.S.C. § 1406(a); Habeas L.R. 2254-3(b).¹

¹ If this case were to be construed as a civil rights action, venue would still be proper in the Eastern District. See 28 U.S.C. § 1391(b).

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IT IS SO ORDERED.

Dated: October 3, 2014



JAMES DONATO
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DENA MARKS,
Plaintiff,

v.

D.K. JOHNSON,
Defendant.

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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 10/3/2014, 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.

Dena Marks ID: CDC #WE5142
CCWF 505-9-2-L
P.O. Box 1508
Chowchilla, CA 93610

Dated: 10/3/2014

Richard W. Wieking
Clerk, United States District Court

By: Lisa R. Clark
LISA R. CLARK, Deputy Clerk to the
Honorable JAMES DONATO