

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KEITH JEROME WRIGHT,  
Petitioner,  
v.  
WARDEN,  
Respondent.

Case No. [15-cv-05452-JD](#)

**ORDER OF TRANSFER**

This case was opened when petitioner wrote a letter to the court regarding his conviction and requested counsel. In an effort to protect his rights, it was filed as a new habeas case. Petitioner has also filed a letter seeking to withdraw this civil rights case so he can file a habeas petition. Because this has been filed as a habeas petition, petitioner need not withdraw the case. However, petitioner was convicted in Sacramento, *People v. Wright*, 2015 WL 4931489 (Cal. Ct. App. Aug. 18, 2015) and is incarcerated at High Desert State Prison. Both of these lie in 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 and is being held in the Eastern District, this case is **TRANSFERRED** to the United States District Court for the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Eastern District of California. *See* 28 U.S.C. § 1406(a); Habeas L.R. 2254-3(b). Petitioner should file the habeas petition in the Eastern District once the case has been transferred.

**IT IS SO ORDERED.**

Dated: January 8, 2016

  
\_\_\_\_\_  
JAMES DONATO  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 KEITH JEROME WRIGHT,  
4 Plaintiff,  
5 v.  
6 WARDEN,  
7 Defendant.  
8

Case No. [15-cv-05452-JD](#)

**CERTIFICATE OF SERVICE**

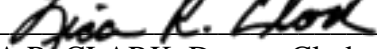
9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
10 District Court, Northern District of California.

11  
12 That on January 8, 2016, I SERVED a true and correct copy(ies) of the attached, by  
13 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
15 receptacle located in the Clerk's office.  
16

17 Keith Jerome Wright ID: AN1771  
18 High Desert State Prison  
19 P.O. Box 3030  
20 Susanville, CA 96127

21 Dated: January 8, 2016

22  
23 Susan Y. Soong  
24 Clerk, United States District Court

25  
26 By:   
27 LISA R. CLARK, Deputy Clerk to the  
28 Honorable JAMES DONATO