

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

GERALD H. STOLP,  
Petitioner,  
v.  
KIM HOLLAND,  
Respondent.

Case No. [16-cv-01265-JD](#)

**ORDER OF TRANSFER**

Re: Dkt. Nos. 2, 3

This is a habeas case filed pro se by a state prisoner. Petitioner seeks to challenge a conviction obtained in Calaveras County California. Calaveras County is in the venue of the United States District Court for the Eastern District of California. Petitioner is incarcerated in Tehachapi, CA, which is located in the Central 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 Calaveras 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).

**IT IS SO ORDERED.**

Dated: April 19, 2016

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

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 GERALD H. STOLP,  
4 Plaintiff,

5 v.

6 KIM HOLLAND,  
7 Defendant.  
8

Case No. [16-cv-01265-JD](#)

**CERTIFICATE OF SERVICE**

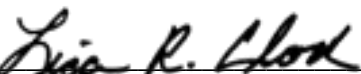
9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
10 District Court, Northern District of California.

11  
12 That on April 19, 2016, I SERVED a true and correct copy(ies) of the attached, by placing  
13 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 Gerald H. Stolp ID: ID: AK4738  
18 California Correctional Institution  
19 P.O. Box 1902  
20 Tehachapi, CA 93581

21 Dated: April 19, 2016

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

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