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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER G. HOWES,
Petitioner,
v.
WARDEN,
Respondent.

Case No. [16-cv-06604-SI](#)

ORDER OF DISMISSAL

Christopher G. Howes filed a *pro se* petition for writ of habeas corpus to challenge a conviction from a state court in Concord, New Hampshire. He alleges he is currently in custody in a psychiatric prison in Concord, New Hampshire. Docket No. 4 at 1. On November 15, 2016, the court notified Howes that this action was deficient because he had not paid the filing fee or filed an *in forma pauperis* application, and notified him that this action would be dismissed if he did not respond to the notice to pay the filing fee or file a completed *in forma pauperis* application within twenty-eight days. Howes did not pay the filing fee or file a completed *in forma pauperis* application, and the deadline by which to do so has passed. Accordingly, this action is dismissed for failure to pay the filing fee or file an *in forma pauperis* application.

This action is dismissed for the separate and additional reason that it was filed in the wrong venue. The proper venue for a petition for writ of habeas corpus is the district of confinement or the district of conviction. 28 U.S.C. § 2241(d). As the petition is from a petitioner in custody in New Hampshire and challenges a conviction from a state court in New Hampshire, the United States District Court for the District of New Hampshire is the proper venue. The United States District Court for the Northern District of California is not the proper venue for the petition.

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This action is DISMISSED without prejudice to Howes filing a petition for writ of habeas corpus in the United States District Court for the District of New Hampshire, for which he pays the filing fee or files a completed *in forma pauperis* application at the time he files his petition. The clerk shall close the file.

IT IS SO ORDERED.

Dated: January 9, 2017



SUSAN ILLSTON
United States District Judge