

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

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

PETER EDELBACHER,
Petitioner,

No. C 17-0118 WHA (PR)

ORDER OF TRANSFER

v.

CALIFORNIA BOARD OF PAROLE
HEARINGS,
Respondent.
_____ /

Petitioner is a state prisoner currently incarcerated at Pleasant Valley State Prison in Coalinga, California. He has filed a petition for a writ of habeas corpus challenging a decision by the Board of Parole Hearings that he may not be considered for release under the “Elder Parole Program.”

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which 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). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district 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. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 768 (N.D. Cal. 1993). If the petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable forum. *See Habeas L.R. 2254-3(b)(2)*;

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

Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989).

Petitioner challenges the manner in which his sentence is being executed insofar as he challenges the decision that he is not eligible for release on parole. Thus the district of his confinement is the preferable forum for his petition. Pleasant Valley State Prison, where he is confined, is located within the venue of the Eastern District of California. Accordingly, in the interest of justice, and pursuant to 28 U.S.C. 1406(a), that this action be **TRANSFERRED** to the United States District Court for the Eastern District of California.

The clerk shall transfer this matter forthwith.

IT IS SO ORDERED.

Dated: May 4, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE