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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES SMITH,

No. C 17-1900 WHA (PR)

Petitioner,

ORDER OF TRANSFER

v.

J SULLIVAN, Warden,

Respondent.

_____ /

Petitioner is a state prisoner currently incarcerated at the California Correctional Institute in Tehachapi, California. He has filed a petition for a writ of habeas corpus under 28 U.S.C. 2254 challenging a conviction and sentence obtained in Siskiyou County Superior Court.

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); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

Petitioner challenges a judgment from Siskiyou County, which lies within the venue of the Eastern District of California. Accordingly, in the interest of justice, and pursuant to 28


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U.S.C. § 1406(a), this action is 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: April 24, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE