

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

JAMES KEY,
Petitioner,
v.
MICHAEL MARIEL,
Respondent.

Case No. [17-cv-03460-LB](#)

ORDER OF TRANSFER

The petitioner has filed a petition for writ of habeas corpus to challenge his conviction and sentence from the Los Angeles County Superior Court. Los Angeles County lies within the venue of the Central District of California. The petitioner is confined at the California Health Care Facility in Stockton. That facility is in San Joaquin County, within the venue of the Eastern District of California. Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d), although a petition challenging a conviction or the sentence imposed is preferably heard in the district of conviction. *See* N. D. Cal. Habeas L.R. 2254-3(b). The preferred venue for this action is the Central District of California because the petitioner was convicted and the sentence was imposed in that district. The Northern District is not the proper venue because it is neither the district of confinement nor the district of conviction. Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this

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action is TRANSFERRED to the United States District Court for the Central District of California.
The clerk shall transfer this matter forthwith.

IT IS SO ORDERED.

Dated: August 3, 2017



LAUREL BEELER
United States Magistrate Judge