

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

ARIOSTO LIRA OSORIO, AX7579,
Petitioner,
v.
S. FRAUENHEIM, Warden,
Respondent.

Case No. [17-cv-06721-SK](#) (PR)

ORDER OF TRANSFER

Petitioner seeks federal habeas review of a conviction from Kern County Superior Court, which lies within the venue of the Eastern District of California. See 28 U.S.C. § 84(b).

Petitioner is incarcerated at Pleasant Valley State Prison in Fresno County, which also lies within the venue of the Eastern District of California. See id.

Venue is proper in a habeas action in either the district of confinement or the district of conviction, see 28 U.S.C. § 2241(d); however, petitions challenging a conviction preferably are heard in the district of conviction. See Habeas L.R. 2254-3(a); Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993).

Because Kern County lies in the Eastern District of California, the court ORDERS that pursuant to 28 U.S.C. § 1404(a) and Habeas Local Rule 2254-3(b), and in the interest of justice, this petition 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: November 24, 2017



SALLIE KIM
United States Magistrate Judge

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

ARIOSTO LIRA OSORIO,
Peitioner,
v.
S. FRAUENHEIM,
Respondent.

Case No. [17-cv-06721-SK](#)

CERTIFICATE OF SERVICE

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

That on November 24, 2017, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Ariosto Lira Osorio ID: #:AX7579
Pleasant Valley State Prison
P.O. Box 8500, A-3#147
Coalinga, CA 93210

Dated: November 24, 2017

Susan Y. Soong
Clerk, United States District Court

By: 
Melinda K. Lozenski, Deputy Clerk to the
Honorable SALLIE KIM