

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANK R. CASTILLO,
Petitioner,

v.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
CALIFORNIA,

Respondent.

Case No. [17-cv-07109-VC](#) (PR)

ORDER OF TRANSFER

Frank R. Castillo, a state prisoner incarcerated at Salinas Valley State Prison, has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the validity of his sentence imposed in the Fresno County Superior Court.

A federal petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court is properly filed in either the district of confinement or the district of conviction. 28 U.S.C. § 2241(d). The district court where the petition is filed may transfer the petition to the other district in the furtherance of justice. *Id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993).

Castillo was convicted and sentenced in the Fresno County Superior Court, which lies within the venue of the Eastern District of California. 28 U.S.C. § 84(b). Thus, jurisdiction over the petition exists in the Eastern District of California, not in this district.

Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice, the Clerk of the Court is ordered to TRANSFER this action forthwith to the United States District Court for the Eastern District of California.

All pending motions are TERMINATED on this Court's docket.

IT IS SO ORDERED.

Dated: February 14, 2018

A handwritten signature in black ink, consisting of a stylized 'V' followed by a horizontal line and a small flourish.

VINCE CHHABRIA
United States District Judge