

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

3
4 CRAIG JOHNSON,

No. C 08-04642 CW (PR)

5 Petitioner,

ORDER OF TRANSFER

6 v.

7 D. K. SISTO, Warden,
8 CALIFORNIA BOARD OF PAROLE
9 HEARINGS,

10 Respondents.
_____ /

11 Petitioner, a state prisoner, has filed a pro se petition for
12 a writ of habeas corpus in which he challenges the execution of his
13 sentence. He has paid the filing fee.

14 A petition for a writ of habeas corpus filed by a state
15 prisoner in a State that contains two or more federal judicial
16 districts may be filed in either the district of confinement or the
17 district of conviction. See 28 U.S.C. § 2241(d). The district
18 court where the petition is filed, however, may transfer the
19 petition to the other district in the furtherance of justice. See
20 id. Federal courts in California traditionally have chosen to hear
21 petitions challenging a conviction or sentence in the district of
22 conviction. See Dannenbergh v. Ingle, 831 F. Supp. 767, 767 (N.D.
23 Cal. 1993); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968).
24 But if a habeas petition is directed to the manner in which a
25 sentence is being executed, e.g., if it involves parole or time
26 credit claims, the district of confinement is the preferable forum.
27 See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th
28 Cir. 1989).

1 Petitioner is incarcerated at California State Prison -
2 Solano, which lies within the venue of the Eastern District of
3 California. See 28 U.S.C. § 84. Because Petitioner challenges the
4 execution of his sentence, the Court hereby ORDERS that pursuant to
5 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests
6 of justice, this petition be TRANSFERRED to the United States
7 District Court for the Eastern District of California.

8 IT IS SO ORDERED.

9 Dated: 3/25/09



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 CRAIG R. JOHNSON,
5 Plaintiff,

Case Number: CV08-04642 CW

CERTIFICATE OF SERVICE

6 v.

7 CALIFORNIA BOARD OF PAROLE
8 HEARINGS et al,

9 Defendant.
/

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

12 That on March 25, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
14 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
15 in the Clerk's office.

16 Craig Johnson C-08327
17 CSP-Solano
18 15-H-6L
19 P.O. Box 4000
20 Vacaville, CA 95696-4000

21 Dated: March 25, 2009

22 Richard W. Wieking, Clerk
23 By: Sheilah Cahill, Deputy Clerk
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