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

RICHARD DENNIS ANDERSON,

Petitioner,

No. CIV 08-2692 KJM P

vs.

WARDEN MARTELL,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis. This court will not rule on petitioner's request to proceed in forma pauperis.

The application attacks a conviction issued by the San Francisco Superior Court. While both this Court and the United States District Court in the district where petitioner was convicted have jurisdiction, see Braden v. 30th Judicial Circuit Court, 410 U.S. 484 (1973), any and all witnesses and evidence necessary for the resolution of petitioner's application are more readily available in San Francisco County, which is located in the Northern District of California. Id. at 499 n.15; 28 U.S.C. § 2241(d).

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Accordingly, IT IS HEREBY ORDERED that:

1. This court has not ruled on petitioner's request to proceed in forma pauperis;

and

2. This matter is transferred to the United States District Court for the Northern District of California. 28 U.S.C. § 2241(d); 28 U.S.C. § 1406(a).

DATED: January 16, 2009.



U.S. MAGISTRATE JUDGE

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