

1 prisoner in a State that contains two or more federal judicial
2 districts may be filed in either the district of confinement or the
3 district of conviction. See 28 U.S.C. § 2241(d). The district
4 court where the petition is filed -- or in the present case, where
5 the petition was transferred -- may transfer the petition to the
6 other district in the furtherance of justice. See id. Federal
7 courts in California traditionally have chosen to hear petitions
8 challenging a conviction or sentence in the district of conviction.
9 See Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993);
10 Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968). But if a
11 habeas petition is directed to the manner in which a sentence is
12 being executed, e.g., if it involves parole or time credit claims,
13 the district of confinement is the preferable forum. See Habeas
14 L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989).

15 Petitioner is currently incarcerated at the Sacramento County
16 Main Jail, which lies within the venue of the Eastern District of
17 California. See 28 U.S.C. § 84. Because Petitioner challenges the
18 execution of his sentence, the Court hereby ORDERS that pursuant to
19 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests
20 of justice, this petition be TRANSFERRED to the United States
21 District Court for the Eastern District of California.

22 All remaining motions are TERMINATED on this Court's docket as
23 no longer pending in this district.

24 IT IS SO ORDERED.

25 Dated: 8/24/09

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27 _____
28 CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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

4 DOCK MCNEELY,

5 Plaintiff,

6 v.

7 JOHN MCGINNESS et al,

8 Defendant.

Case Number: CV09-01203 CW

CERTIFICATE OF SERVICE

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

11 That on August 24, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
13 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
14 receptacle located in the Clerk's office.

15 Dock McNeely X-2333938
16 Sacramento Main Jail
17 651 "I" Street
18 Sacramento, CA 95814

19 Dated: August 24, 2009

20 Richard W. Wieking, Clerk
21 By: Sheilah Cahill, Deputy Clerk
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