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FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT

No. C 09-03374 CW (PR)

ORDER OF TRANSFER

TENG YANG,

Petitioner,

CHARLES DEROSA, Warden,

Respondent.

Petitioner, a state prisoner, has filed a pro se petition for a writ of habeas corpus.

Federal statute allows "the Supreme Court, any justice thereof, the district courts and any circuit judge" to grant writs of habeas corpus "within their respective jurisdictions." U.S.C. § 2241(a). 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. Id. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. See id. Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. <u>See Dannenberg v. Ingle</u>, 831 F. Supp. 767, 767 (N.D. Cal. 1993); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

Here, Petitioner challenges a conviction and sentence incurred in the Butte County Superior Court, which is in the venue of the Eastern District of California. <u>See</u> 28 U.S.C. § 84. Accordingly, that is the proper venue for this action.

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

IT IS SO ORDERED.

Dated: 9/10/09

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CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

United States District Court For the Northern District of California

1 UNITED STATES DISTRICT COURT FOR THE	
2 NORTHERN DISTRICT OF CALIFORNIA	
TENG YANG,	Case Number: CV09-03374 CW
5	CERTIFICATE OF SERVICE
6 CHARLES DEROSA et al,	
7 Defendant.	
I, the undersigned, hereby certify that I am an e Court, Northern District of California.	employee in the Office of the Clerk, U.S. District
That on September 10, 2009, I SERVED a true ar copy(ies) in a postage paid envelope addressed to	and correct copy(ies) of the attached, by placing said the person(s) hereinafter listed, by depositing said
envelope in the U.S. Mail, or by placing said copy in the Clerk's office.	(ies) into an inter-office delivery receptacle located
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5 Teng Yang V-05394	
La Palma Correctional Center 5501 North La Palma Rd.	
Ric	hard W. Wieking, Clerk
9 By:	Sheilah Cahill, Deputy Clerk
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2 3 4 5 6 7 8 9 0 1 2 3 4 5 6 7 8 9 0 1 2 3 4 4 5 6 7 8 9 1 8 1 8 1 8 1 8 1 8 1 8 1 8 1 8 1 8	TENG YANG, Plaintiff, V. CHARLES DEROSA et al, Defendant. I, the undersigned, hereby certify that I am an ecourt, Northern District of California. That on September 10, 2009, I SERVED a true ar copy(ies) in a postage paid envelope addressed to envelope in the U.S. Mail, or by placing said copy in the Clerk's office. Teng Yang V-05394 La Palma Correctional Center 5501 North La Palma Rd. Eloy, AZ 85231 Dated: September 10, 2009 Rice