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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 JIMMIE LEE ADAMS, SR.,
9 Petitioner,

No. C 09-05937 CW (PR)
ORDER OF TRANSFER

10 v.

11 WARDEN COOK, et al.,
12 Respondents.
13 _____/

14 Petitioner, a state prisoner, has filed a pro se petition for
15 a writ of habeas corpus. He seeks leave to proceed in forma
16 pauperis.

17 Federal statute allows "the Supreme Court, any justice
18 thereof, the district courts and any circuit judge" to grant writs
19 of habeas corpus "within their respective jurisdictions." 28
20 U.S.C. § 2241(a). A federal petition for a writ of habeas corpus
21 made by a person in custody under the judgment and sentence of a
22 state court is properly filed in either the district of confinement
23 or the district of conviction. Id. § 2241(d). The district court
24 where the petition is filed, however, may transfer the petition to
25 the other district in the furtherance of justice. See id. Federal
26 courts in California traditionally have chosen to hear petitions
27 challenging a conviction or sentence in the district of conviction.
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1 See Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993);
2 Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

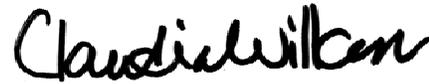
3 Here, Petitioner challenges a conviction and sentence incurred
4 in the Los Angeles County Superior Court, which is in the venue of
5 the Western Division of the Central District of California. See 28
6 U.S.C. § 84. Accordingly, that is the proper venue for this
7 action.

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

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

15 IT IS SO ORDERED.

16 Dated: 3/17/2010



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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

4 JIMMIE LEE ADAMS SR,

5 Plaintiff,

6 v.

7 COOK, WARDEN et al,

8 Defendant.

Case Number: CV09-05937 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 March 17, 2010, 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 Jimmie Lee Adams H-79884
16 DMH Q2-222
17 CA Medical Facility
18 P.O. Box 2000
19 Vacaville, CA 95687

20 Dated: March 17, 2010

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