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

MATTHEW G. JENNINGS,

Petitioner,

No. CIV S-09-3438 MCE EFB P

vs.

M. MARTELL,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2254. However, petitioner has commenced this action in the wrong district.

Petitioner was convicted in the Santa Clara County Superior Court, but is confined in Ione, California. Although this court and the United States District Court in the district where petitioner was convicted both have jurisdiction, *see Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 499-500 (1973), witnesses and evidence necessary for the resolution of petitioner’s application are more readily available in the county of conviction, *id.* at 499 n. 15; 28 U.S.C. § 2241(d).

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1           Therefore, the court transfers this action to the United States District Court for the  
2 Northern District of California. 28 U.S.C. §§ 84(a); 1404(a).

3           Accordingly, it is ORDERED that this action is transferred to the Northern District of  
4 California.

5 DATED: January 14, 2010.

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7 EDMUND F. BRENNAN  
8 UNITED STATES MAGISTRATE JUDGE  
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