

United States District Court
For the Northern District of California

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

ANGEL F. GARDEA,
Petitioner,

No. C 10-03292 CW (PR)
ORDER OF TRANSFER

v.

A. HEDGPETH, Warden,
Respondent.

_____/

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

A 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." 28 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.

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).

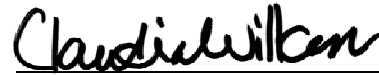
3 Here, Petitioner challenges a conviction and sentence incurred
4 in the Santa Barbara County Superior Court, which is in the venue
5 of the Western Division of the Central District of California. See
6 28 U.S.C. § 84. Accordingly, that is the proper venue for this
7 action.

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 United States District Court
11 for the Western Division of the Central District of California.

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

14 IT IS SO ORDERED.

15 Dated: 8/6/2010



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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

4 ANGEL F. GARDEA,

5 Plaintiff,

6 v.

7 A. HEDGPETH et al,

8 Defendant.

Case Number: CV10-03292 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 6, 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 Angel Felix Gardea F-95469
16 Salinas Valley State Prison
17 P.O. Box 1050
18 Soledad, CA 93960

19 Dated: August 6, 2010

20 Richard W. Wieking, Clerk
21 By: Nikki Riley, Deputy Clerk
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