

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 KELVIN CHAPMAN,

No. C 10-03295 SBA (PR)

4 Petitioner,

ORDER OF TRANSFER

5 v.

6 RICK HILL, Warden,

7 Respondent.

8
9 Petitioner, a state prisoner, has filed a pro se petition for a writ of habeas corpus. He has
10 filed a motion for leave to proceed in forma pauperis.11 Federal statute allows "the Supreme Court, any justice thereof, the district courts and any
12 circuit judge" to grant writs of habeas corpus "within their respective jurisdictions." 28 U.S.C.
13 § 2241(a). A federal petition for a writ of habeas corpus made by a person in custody under the
14 judgment and sentence of a state court is properly filed in either the district of confinement or the
15 district of conviction. Id. § 2241(d). Where a case is filed in the wrong venue, the district court has
16 the discretion to transfer it to the proper federal court "in the interest of justice." See 28 U.S.C.
17 § 1406(a).18 Here, Petitioner challenges a conviction and sentence incurred in the Solano County Superior
19 Court, which is in the venue of the Eastern District of California. See 28 U.S.C. § 84. Accordingly,
20 that is the proper venue for this action.21 Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice, the
22 Clerk of the Court is ordered to TRANSFER this action forthwith to the United States District Court
23 for the Eastern District of California.24 All remaining motions are TERMINATED on this Court's docket as no longer pending in
25 this district.

26 IT IS SO ORDERED.

27 DATED: 8/25/1028 
SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

KELVIN CHAPMAN,
Plaintiff,

v.

RICK HILL et al,
Defendant.

Case Number: CV10-03295 SBA

CERTIFICATE OF SERVICE

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

That on August 25, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Kelvin L. Chapman J-69461
Folsom State Prison
P.O. Box 950
Folsom, CA 95761

Dated: August 25, 2010

Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk