

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

3 In re TERRENCE A. HARPER,
4 Petitioner.

No. C 10-03708 SBA (PR)

ORDER OF TRANSFER


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6 _____ /
7
8 Petitioner, a state prisoner, has filed a pro se petition for a writ of habeas corpus in which he
9 challenges the execution of his sentence. He seeks leave to proceed in forma pauperis (IFP).

10 A petition for a writ of habeas corpus filed by a state prisoner in a State that contains two or
11 more federal judicial districts may be filed in either the district of confinement or the district of
12 conviction. See 28 U.S.C. § 2241(d). The district court where the petition is filed, however, may
13 transfer the petition to the other district in the furtherance of justice. See id. Federal courts in
14 California traditionally have chosen to hear petitions challenging a conviction or sentence in the
15 district of conviction. See Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993); Laue v.
16 Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968). But if a habeas petition is directed to the manner in
17 which a sentence is being executed, e.g., if it involves parole or time credit claims, the district of
18 confinement is the preferable forum. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244,
19 249 (9th Cir. 1989).

20 Petitioner is incarcerated at California State Prison-Corcoran, which lies within the venue of
21 the Eastern District of California. See 28 U.S.C. § 84. Because Petitioner challenges the execution
22 of his sentence, the Court hereby ORDERS that pursuant to 28 U.S.C. § 1404(a) and Habeas L.R.
23 2254-3(b), and in the interests of justice, this petition be TRANSFERRED to the United States
24 District Court for the Eastern District of California. All remaining motions are TERMINATED on
25 this Court's docket as no longer pending in this district.

26 IT IS SO ORDERED.

27 DATED: 9/10/10

28 
SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE

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

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5
6 IN RE TERRENCE A. HARPER,
7 Plaintiff,

Case Number: CV10-03708 SBA
CERTIFICATE OF SERVICE

8 v.

9 IN RE TERRENCE A. HARPER et al,
10 Defendant.

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

13 That on September 10, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
15 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
located in the Clerk's office.

16
17 Terrence Andrew Harper E-44341
18 Corcoran State Prison
19 Post Box Office 5242
Corcoran, CA 93212-5242

20 Dated: September 10, 2010

21 Richard W. Wiekling, Clerk
By: LISA R CLARK, Deputy Clerk