

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

3 JAMES SWON,                                    No. C 10-05641 CW (PR)  
4                                    Petitioner,                                    ORDER OF TRANSFER  
5                                    v.  
6 JERRY BROWN,  
7                                    Respondent.  
8 \_\_\_\_\_/

9                    Petitioner, a state prisoner, has filed a pro se petition for  
10 a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging  
11 as a violation of his constitutional rights the denial of parole by  
12 the California Board of Parole Hearings. He has not paid the  
13 filing fee or filed a motion for leave to proceed in forma  
14 pauperis.

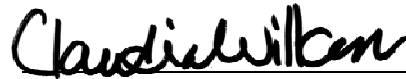
15                    A petition for a writ of habeas corpus filed by a state  
16 prisoner in a State that contains two or more federal judicial  
17 districts may be filed in either the district of confinement or the  
18 district of conviction. See 28 U.S.C. § 2241(d). The district  
19 court where the petition is filed, however, may transfer the  
20 petition to the other district in the furtherance of justice. See  
21 id. Federal courts in California traditionally have chosen to hear  
22 petitions challenging a conviction or sentence in the district of  
23 conviction. See Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D.  
24 Cal. 1993); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968).  
25 But if a habeas petition is directed to the manner in which a  
26 sentence is being executed, e.g., if it involves parole or time  
27 credit claims, the district of confinement is the preferable forum.  
28

1 See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th  
2 Cir. 1989).

3       Petitioner is incarcerated at High Desert State Prison, which  
4 lies within the venue of the Eastern District of California. See  
5 28 U.S.C. § 84. Because Petitioner challenges the execution of his  
6 sentence, the Court hereby ORDERS that pursuant to 28 U.S.C.  
7 § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of  
8 justice, this petition be TRANSFERRED to the United States District  
9 Court for the Eastern District of California.

10       IT IS SO ORDERED.

11 Dated: 1/10/2011



\_\_\_\_\_  
CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

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

4 JAMES SWON,

5 Plaintiff,

6 v.

7 JERRY BROWN et al,

8 Defendant.

Case Number: CV10-05641 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 January 10, 2011, 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 James Swon B-97646  
16 High Desert State Prison  
17 P.O. Box 3030  
18 C 5-117  
19 Susanville, CA 96130

20 Dated: January 10, 2011

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