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

ROBERT SHIPPMAN,

No. C 10-05904 SBA (PR)

Petitioner,

ORDER OF TRANSFER

v.

K. DICKINSON, Warden,

Respondent.

Petitioner, a state prisoner, has filed a pro se petition for a writ of habeas corpus in which he challenges the execution of his sentence.

A petition for a writ of habeas corpus filed by a state prisoner in a State that contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. See 28 U.S.C. § 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. See Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968). But if a habeas petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credit claims, the district of confinement is the preferable forum. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989).

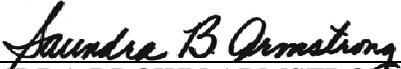
Petitioner is incarcerated at California Medical Facility-Vacaville, which lies within the venue of the Eastern District of California. See 28 U.S.C. § 84. Because Petitioner challenges the execution of his sentence, the Court hereby ORDERS that pursuant to 28 U.S.C. § 1404(a) and

1 Habeas L.R. 2254-3(b), and in the interests of justice, this petition be TRANSFERRED to the
2 United States District Court for the Eastern District of California.

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

5 IT IS SO ORDERED.

6 DATED: 2/9/11


SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE

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

4 ROBERT SHIPPMAN,
5 Plaintiff,

Case Number: CV10-05904 SBA

CERTIFICATE OF SERVICE

6 v.

7 K DICKINSON et al,
8 Defendant.

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 February 11, 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 said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 Robert Shippman H-960002
16 California Medical Facility
17 1600 California Drive
18 P.O. Box 2500
19 Vacaville, CA 95696-2500

20 Dated: February 11, 2011

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