

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

PAUL SAMUEL JOHNSON,
Petitioner,

No. C 11-04280 CW (PR)
ORDER OF TRANSFER

v.

THE PEOPLE OF THE STATE OF
CALIFORNIA, et al.,
Respondents.

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. Petitioner seeks leave to proceed in forma pauperis.

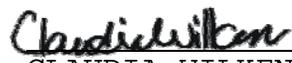
A petition for a writ of habeas corpus filed by a state prisoner in a State that contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. See 28 U.S.C. § 2241(d). The district court where the petition is filed, however, may transfer 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).

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

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

11 IT IS SO ORDERED.

12 Dated: 9/29/2011



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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

4 PAUL S JOHNSON,
5 Plaintiff,

Case Number: CV11-04280 CW

CERTIFICATE OF SERVICE

6 v.

7 THE PEOPLE OF THE STATE OF
8 CALIFORNIA et al,

9 Defendant.
/

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

12 That on September 29, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
14 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
15 in the Clerk's office.

16 Paul Samuel Johnson F 41309
17 California State Prison - Solano
18 P.O. Box 4000
19 9 Building #148 low
20 2100 Peabody Road
21 Vacaville, CA 95969-4000

22 Dated: September 29, 2011

23 Richard W. Wieking, Clerk
24 By: Nikki Riley, Deputy Clerk
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