

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 VICTOR ANTHONY CHAPPALE,

No. C 11-06576 YGR (PR)

4 Petitioner,

ORDER OF TRANSFER

5 vs.

6 CONNIE GIPSON, Warden,

7 Respondent.

8
9 Petitioner, a state prisoner, has filed a pro se petition for a writ of habeas corpus. He has paid
10 the full filing fee.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 Yolo 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. All remaining motions are TERMINATED on this Court's
24 docket as no longer pending in this district.

25 IT IS SO ORDERED.

26
27 DATED: January 30, 201228

YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE