

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

3 JAMES RAYNOR,                                    No. C 12-2330 CW (PR)  
4                                    Petitioner,                                    ORDER OF TRANSFER  
5                                    v.  
6 PEOPLE OF CALIFORNIA,  
7                                    Respondent.

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9                    Petitioner, a state prisoner incarcerated at Salinas Valley  
10 State Prison, has filed a pro se petition for a writ of habeas  
11 corpus pursuant to 28 U.S.C. § 2254, challenging the validity of  
12 his conviction. A federal petition for a writ of habeas corpus  
13 made by a person in custody under the judgment and sentence of a  
14 state court is properly filed in either the district of confinement  
15 or the district of conviction. 28 U.S.C. § 2241(d). The district  
16 court where the petition is filed, however, may transfer the  
17 petition to the other district in the furtherance of justice. See  
18 id. Federal courts in California traditionally have chosen to hear  
19 petitions challenging a conviction or sentence in the district of  
20 conviction. See Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D.  
21 Cal. 1993); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

22                    Here, Petitioner was convicted in San Joaquin County Superior  
23 Court, which lies within the venue of the Eastern District of  
24 California. 28 U.S.C. § 84(b). Accordingly, pursuant to 28 U.S.C.  
25 § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of  
26 justice, the Clerk of the Court is ordered to TRANSFER this action  
27 forthwith to the district of conviction, i.e., the United States  
28 District Court for the Eastern District of California.

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

IT IS SO ORDERED.

Dated: 5/23/2012

  
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CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE