

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

3
4 GILBERT ROBLES HERNANDEZ, JR.,
5 AKA GILBERT ROBLES, JR., ,

No. C 12-5400 CW (PR)

ORDER OF DISMISSAL

Petitioner,

6 v.

7 COMMUNITY HOSPITAL,

8 Respondent.

9 _____/

10
11 Petitioner, a state prisoner, has filed this pro se petition
12 for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. It is
13 not clear whether he is challenging the validity of his conviction
14 or matters related to the conditions of his confinement. The
15 Northern District, however, is not the proper venue for either
16 challenge.

17 A petition for a writ of habeas corpus filed by a state
18 prisoner in a state that contains two or more federal judicial
19 districts may be filed in either the district of confinement or
20 the district of conviction. See 28 U.S.C. § 2241(d). Federal
21 courts in California traditionally have chosen to hear petitions
22 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.
25 1968). Here, Petitioner was convicted in Riverside County
26 Superior Court, which lies within the venue of the Central
27 District of California. See 28 U.S.C. § 84(c)(1). Therefore, if
28 he seeks to challenge his state court conviction, jurisdiction is

1 more appropriate in the United States District Court for the
2 Central District of California.

3 Further, Petitioner is incarcerated at Kern Valley State
4 Prison, which is located in Kern County and lies within the venue
5 of the Eastern District of California. See 28 U.S.C. § 84(b).
6 Thus, if Petitioner seeks to challenge the conditions of his
7 confinement at Kern Valley State Prison, he must file a civil
8 rights complaint in the Eastern District. See 28 U.S.C.
9 § 1391(b).

10 For the foregoing reasons, the petition is DISMISSED without
11 prejudice to Petitioner's refiling a petition and/or civil rights
12 complaint in the appropriate court.

13 The Clerk of the Court shall enter judgment and close the
14 file.

15 IT IS SO ORDERED.

16
17 Dated: 11/6/2012


CLAUDIA WILKEN
United States District Judge