

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

3 ANTONIO ALVARADO,

No. C 12-06001 YGR (PR)

4 Petitioner,

ORDER OF TRANSFER

5 v.

6 ELVIN VALENZUELA, Warden,

7 Respondent.
_____ /

8
9 Petitioner, a state prisoner, has filed a *pro se* petition for a writ of habeas corpus in which he
10 challenges the execution of his sentence. He has paid the \$5.00 filing fee.

11 A petition for a writ of habeas corpus filed by a state prisoner in a State that contains two or
12 more federal judicial districts may be filed in either the district of confinement or the district of
13 conviction. *See* 28 U.S.C. § 2241(d). The district court where the petition is filed, however, may
14 transfer the petition to the other district in the furtherance of justice. *See id.* Federal courts in
15 California traditionally have chosen to hear petitions challenging a conviction or sentence in the
16 district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993); *Laue v.*
17 *Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). But if a habeas petition is directed to the manner in
18 which a sentence is being executed, e.g., if it involves parole or time credit claims, the district of
19 confinement is the preferable forum. *See Habeas L.R. 2254-3(a)*; *Dunne v. Henman*, 875 F.2d 244,
20 249 (9th Cir. 1989).

21 Petitioner is incarcerated at the California Men's Colony, which lies within the venue of the
22 Central District of California. *See* 28 U.S.C. § 84. Because Petitioner challenges the execution of
23 his sentence, the Court hereby ORDERS that pursuant to 28 U.S.C. § 1404(a) and Habeas L.R.
24 2254-3(b), and in the interests of justice, this petition be TRANSFERRED to the Western Division
25 of the United States District Court for the Central District of California.

26 IT IS SO ORDERED.

27 DATED: February 13, 2013

28 
YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE