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

LESTER HAMILTON,

No. C 13-00393 YGR (PR)

Petitioner,

ORDER OF TRANSFER

vs.

RICK HILL, Warden,

Respondent.

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. He seeks leave to proceed *in forma pauperis* (IFP).

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).

Petitioner is incarcerated at Folsom State Prison, which lies within the venue of the Eastern District of California. *See* 28 U.S.C. § 84. Because Petitioner challenges the execution of his sentence, the Court hereby ORDERS that pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-

1 3(b), and in the interests of justice, this petition be TRANSFERRED to the United States District
2 Court for the Eastern District of California.

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

5 IT IS SO ORDERED.

6 DATED: February 19, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

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