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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

RALPH T. MEYER,

No. C 13-00715 YGR (PR)

Petitioner,

ORDER OF TRANSFER

vs.

M. SPEARMAN, Warden,

Respondent.

Petitioner, a state prisoner, has filed a *pro se* petition for a writ of habeas corpus. He has filed a motion for leave to proceed *in forma pauperis* and a request for appointment of counsel.

Federal statute allows "the Supreme Court, any justice thereof, the district courts and any circuit judge" to grant writs of habeas corpus "within their respective jurisdictions." 28 U.S.C. § 2241(a). A federal petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court is properly filed in either the district of confinement or the district of conviction. *Id.* § 2241(d). Where a case is filed in the wrong venue, the district court has the discretion to transfer it to the proper federal court "in the interest of justice." *See* 28 U.S.C. § 1406(a).


Here, Petitioner challenges a conviction and sentence incurred in the Stanislaus County Superior Court, which is in the venue of the Eastern District of California. *See* 28 U.S.C. § 84. Accordingly, that is the proper venue for this action.

Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice, the Clerk of the Court is ordered to TRANSFER this action forthwith to the United States District Court for the Eastern District of California.

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

IT IS SO ORDERED.

DATED: February 26, 2013



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE