

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PHILLIP BRISETTE,
Plaintiff,
v.
THE PEOPLE, et al.,
Defendants.

Case No. [15-cv-05578-PJH](#)

ORDER OF TRANSFER

Petitioner, a state prisoner, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. The original petition sought an order compelling a state court to conduct a hearing regarding petitioner's state habeas petition challenging a disciplinary hearing resulting in the forfeiture of time credits. Petitioner has filed an amended petition solely challenging the disciplinary hearing.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d). If the petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable forum. See Habeas L.R. 2254-3(b)(2); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). The petition indicates that petitioner is confined at the California State Prison-Solano, which lies within the venue of the Eastern District of California. See 28 U.S.C. § 84(b).¹

¹ The disciplinary hearing occurred while petitioner was incarcerated in the Central District of California. There is no connection to this district.

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Accordingly, the above-titled action is hereby **TRANSFERRED** to the United States District Court for the Eastern District of California. See 28 U.S.C. §§ 1404(a), 2241(d); Habeas L.R. 2254-3.

IT IS SO ORDERED.

Dated: February 1, 2016



PHYLLIS J. HAMILTON
United States District Judge

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CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 2, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Phillip Brisette ID: P44080
CSP Solano 8-250 Low
P.O. Box 4000
Vacaville, CA 95696-4000

Dated: February 2, 2016

Susan Y. Soong
Clerk, United States District Court

By: 
Nichole Peric, Deputy Clerk to the
Honorable PHYLLIS J. HAMILTON