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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KEITH DESMOND TAYLOR,  
Petitioner,  
v.  
MICHAEL SMITH,  
Respondent.

Case No. [17-cv-00807-DMR](#) (PR)

**ORDER OF TRANSFER**

Petitioner, a condemned prisoner incarcerated at San Quentin State Prison, has filed this *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the validity of his conviction obtained in the San Bernardino County Superior Court. Dkt. 1. He has not filed an *in forma pauperis* application.

On February 17, 2017, Petitioner consented to magistrate judge jurisdiction. Dkt. 2.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a State which 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). 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(a); Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

Here, Petitioner challenges a conviction and sentence incurred in the San Bernardino County Superior Court, which is within the venue of the Eastern Division of the Central District of

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California. Therefore, the United States District Court for the Eastern Division of the Central District of California has jurisdiction over this matter.

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

If Petitioner wishes to further pursue this action, he must complete the *in forma pauperis* application required by the Eastern Division of the United States District Court for the Central District of California and mail it to that district.

IT IS SO ORDERED.

Dated: March 9, 2017



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DONNA M. RYU  
United States Magistrate Judge

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 KEITH DESMOND TAYLOR,

4 Plaintiff,

5 v.

6 MICHAEL SMITH,

7 Defendant.  
8

Case No. [4:17-cv-00807-DMR](#)

**CERTIFICATE OF SERVICE**

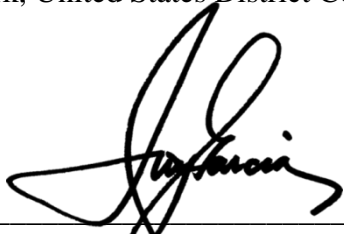
9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
10 District Court, Northern District of California.

11  
12 That on March 9, 2017, I SERVED a true and correct copy(ies) of the attached, by placing  
13 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
15 receptacle located in the Clerk's office.  
16

17 Keith Desmond Taylor ID: H46885  
18 San Quentin State Prison  
19 San Quentin, CA 94974

20 Dated: March 9, 2017

21 Susan Y. Soong  
22 Clerk, United States District Court

23  
24  
25 By:   
26 Ivy Lerma Garcia, Deputy Clerk to the  
27 Honorable DONNA M. RYU  
28

United States District Court  
Northern District of California