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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RUCHELL CINQUE MAGEE,
Petitioner,
v.
J. SOTO, Warden,
Respondent.

Case No. [17-cv-04329-YGR](#) (PR)

ORDER OF TRANSFER

United States District Court
Northern District of California

Petitioner, a state prisoner, has filed a *pro se* petition for a writ of habeas corpus challenging the Board of Parole Hearing’s most recent decision on finding him unsuitable for parole and the Board’s May 6, 2015 ruling. He has paid the full filing fee.

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 California State Prison - Los Angeles County in Lancaster, California, which lies within the venue of the Western Division of the Central 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. 2254-3(b), and in

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the interests of justice, this petition be TRANSFERRED to the Western Division of the United States District Court for the Central District of California.

All remaining motions, including Petitioner’s “Motion for Assignment of Special Master,” dkt. 7, are TERMINATED on this Court’s docket as no longer pending in this district.

IT IS SO ORDERED.

Dated: October 13, 2017



YVONNE GONZALEZ ROGERS
United States District Judge