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**United States District Court**  
For the Northern District of California

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

ADOLPHUS WILLIAMS,	)	No. C 08-05281 JW (PR)
Petitioner,	)	
vs.	)	ORDER OF TRANSFER
WARDEN,	)	
Respondent.	)	

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Petitioner, a California prisoner currently incarcerated at the Kern Valley State Prison in Delano, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging a prison disciplinary hearing at High Desert State Prison in Susanville that resulted in the forfeiture of good time credits.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d). However, 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

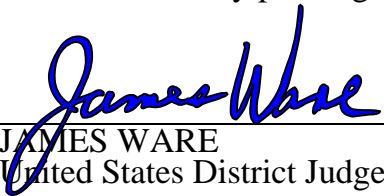
1 forum. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir.  
2 1989). The petition indicates that petitioner is confined in Delano (Kern County),  
3 which lies within the venue of the Eastern District of California. See 28 U.S.C.  
4 84(b).

5 Since the petition is directed to the manner in which a sentence is being  
6 executed, the district of confinement is the preferable forum. See Dunne, 875 F.2d  
7 at 249 (“[t]he proper forum to challenge the execution of a sentence is the district  
8 where the prisoner is confined.”); see also Habeas L.R. 2254-3(b) (providing for  
9 transfer of venue to district of confinement “if the petition is challenging the manner  
10 in which the sentence is being executed”). Because petitioner is confined in the  
11 Eastern District, the petition will be transferred to that district.

12 Accordingly, the above-titled action is hereby TRANSFERRED to the United  
13 States District Court for the Eastern District of California. See 28 U.S.C. §§  
14 1404(a), 2241(d); Habeas L.R. 2254-3. In light of this transfer, the Court will defer  
15 to the Eastern District with respect to petitioner’s motion for leave to proceed in  
16 forma pauperis. (Docket No. 3.)

17 The clerk shall transfer this matter and terminate any pending motions.

18  
19 DATED: April 22, 2009

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ADOLPHOS WILLIAMS,  
Petitioner,

Case Number: CV08-05281 JW

**CERTIFICATE OF SERVICE**

v.

WARDEN,

Respondent.

\_\_\_\_\_/

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 4/29/2009, 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.

Adolphus Williams V-85931  
Kern Valley State Prison  
P. O. Box 5104  
Delano, Ca 93216

Dated: 4/29/2009

Richard W. Wieking, Clerk  
/s/ By: Elizabeth Garcia, Deputy Clerk