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

SERGIO T. TORRES,)	No. C 09-04661 JW (PR)
Petitioner,)	ORDER OF TRANSFER
vs.)	
THE PEOPLE OF THE STATE OF CALIFORNIA,)	
Respondent.)	
)	(Docket Nos. 3 & 4)

Petitioner, a prisoner at the Corcoran State Prison, has filed this pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging his state conviction.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d). At the time he filed the instant action, petitioner was confined at the Correctional Training Facility in Soledad, California. 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). The petition indicates that petitioner was convicted in Madera County which lies within the venue of the Eastern District of California. See 28

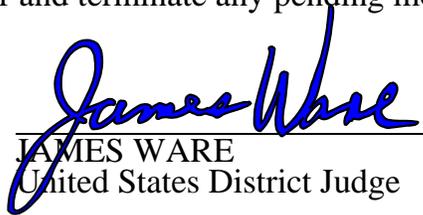
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U.S.C. 84(b).

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. In light of this transfer, the Court will defer to the Eastern District with respect to petitioner’s motion for leave to proceed in forma pauperis, (Docket Nos. 3 & 4).

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

DATED: February 10, 2010 _____



JAMES WARE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SERGIO I TORRES,

Petitioners,

v.

PEOPLE OF THE STATE, et al.,

Respondents.

Case Number: CV09-04661 JW

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 2/19/2010, 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.

Sergio T. Torres F-77156
Corcoran State Prison
P. O. Box 5242
Corcoran, CA 93212

Dated: 2/19/2010

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