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NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ELIGIO CERVANTES,)	No. C 10-02810 JF (PR)
Petitioner,)	ORDER OF TRANSFER
vs.)	
STATE OF CALIFORNIA,)	
Respondent.)	

Petitioner, a state prisoner currently incarcerated at the Coalinga State Hospital in Coalinga, California, proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his state conviction in Lassen County Superior Court. Petitioner has paid the filing fee.

A state prisoner challenging the constitutionality of his state conviction may do so by filing a petition for a writ of habeas corpus under 28 U.S.C. § 2254. 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, petitions challenging a conviction are preferably heard in the district of conviction. See Habeas L.R. 2254-3(a); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968); cf. Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989) (district of confinement best forum to review execution of sentence). Accordingly, this case is


1 TRANSFERRED to the United States District Court for the Eastern District of California.

2 See 28 U.S.C. §§ 84(b), 1391(b), 1404(a); Habeas L.R. 2254-3(b)(1).

3 The Clerk shall transfer the entire file to the Eastern District of California.

4 IT IS SO ORDERED.

5 DATED: 10/25/10


JEREMY FOGEL
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ELIGIO CERVANTES,
Petitioner,

Case Number: CV10-02810 JF

CERTIFICATE OF SERVICE

v.

STATE OF CALIFORNIA,
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 11/2/10, 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.

Eligio Cervantes C0-001189-0
Coalinga State Hospital
P.O. Box 5003
unit-5
Coalinga, CA 93210

Dated: 11/2/10

Richard W. Wieking, Clerk