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NOT FOR CITATION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

WAYNE D. WINCHESTER,)	No. C 10-04391 JF (PR)
)	
Petitioner,)	ORDER OF TRANSFER
)	
vs.)	
)	
)	
PEOPLE OF THE STATE OF)	
CALIFORNIA,)	
)	
Respondent.)	

Petitioner, a state prisoner proceeding pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the 2009 Board of Prison Terms’ decision finding him unsuitable for parole. Petitioner is currently confined at the California Men’s Colony - East in San Luis Obispo, California. The prison is located within the venue of the Western Division of the Central District of California. 28 U.S.C. § 84(c)(2).

Venue in a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence, such as a parole denial claim. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir.

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1989). Accordingly, this case is TRANSFERRED to the United States District Court for the Central District of California, the location of Petitioner's confinement. See 28 U.S.C. § 1404(a); Habeas L.R. 2254-3(b)(1). In light of this transfer, the Court will defer Petitioner's motion for leave to proceed in forma pauperis, (Docket No. 4), and motion for appointment of counsel, (Docket No. 6), to the Central District.

The Clerk shall terminate any pending motions and transfer the entire file to the Western Division of the Central District of California.

IT IS SO ORDERED.

DATED: 1/27/11



JEREMY FOGEL
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

WAYNE D WINCHESTER,
Petitioner,

Case Number: CV10-04391 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 2/17/11, 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.

Wayne D. Winchester D-99680
California Men's Colony
P.O. Box 8101
Cell #5388C
San Luis Obispo, CA 93409

Dated: 2/17/11

Richard W. Wieking, Clerk