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

|                |   |                        |
|----------------|---|------------------------|
| DAVID UPTON,   | ) | No. C 10-5353 LHK (PR) |
|                | ) |                        |
| Petitioner,    | ) | ORDER OF TRANSFER      |
|                | ) |                        |
| vs.            | ) |                        |
|                | ) |                        |
| AREF FAKHOURY, | ) |                        |
|                | ) |                        |
| Respondent.    | ) |                        |
| _____          | ) |                        |

Petitioner, proceeding *pro se*, filed a motion for relief pursuant to 18 U.S.C. § 3771. However, section 3771 discusses the rights of crime victims and does not give Petitioner an individual right to seek relief. Petitioner’s motion appears to challenge the validity of his parole revocation on the grounds that it violates several federal constitutional rights. Accordingly, the Court construes it as a petition for writ of habeas corpus.

Petitioner alleges that he was originally convicted in 2008 in San Bernardino County. After he was paroled, he resided in San Bernardino County. In 2010, he was found to have violated parole, and is currently incarcerated at the California Institute for Men, which is located in San Bernardino County. San Bernardino County lies in the Central District of California.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d). Here, the Central District of California is both the district of conviction and the district of confinement. Accordingly, this case is TRANSFERRED to the

1 United States District Court for the Central District of California. *See* 28 U.S.C. § 1404(a);  
2 Habeas L.R. 2254-3(b)(1). The Clerk shall terminate any pending motions and transfer the  
3 entire file to the Central District of California.

4 IT IS SO ORDERED.

5 DATED: 12/17/2010

  
LUCY H. KOH  
United States District Judge

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