Erwin v. // 1 2 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA 10 11 12 IN RE WILLIE GEORGE ERWIN, JR., No. C 12-04699 EJD (PR) 13 Petitioner. ORDER OF TRANSFER 14 15 16 Petitioner, a state prisoner currently incarcerated at the Correctional Training 17 18 Facility proceeding <u>pro</u> se, filed a petition for a writ of habeas corpus pursuant to 28 19 U.S.C. § 2254, challenging his state conviction in Fresno County Superior Court. 20 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 21 habeas action is proper in either the district of confinement or the district of conviction, 22 23 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, 24 266 (N.D. Cal. 1968); cf. Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989) (district of 25 26 confinement best forum to review execution of sentence). Accordingly, this case is 27 hereby TRANSFERRED to the United States District Court for the Eastern District of 28 California. See 28 U.S.C. §§ 1404(a), 2241(d); Habeas L.R. 2254-3. Order of Transfer 1 G:\PRO-SE\SJ.EJD\1Shonda to Process\04699Erwin\_transfer.wpd Dockets.Justia.com

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1	The Clerk shall terminate all pending motions and transfer the entire file to the		
2	Eastern District of California.		
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4	DATED:2/4/	2013	EQU O Wach
5			EDWARD J. DAVLIA United States District Judge
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## UNITED STATES DISTRICT COURT FOR THE

## NORTHERN DISTRICT OF CALIFORNIA

IN RE WILLIE GEORGE ERWIN, JR.,	Case Number CV 12-4699 EJD (PR)
Petitioner,	CERTIFICATE OF SERVICE
	<u></u>
I, the undersigned, hereby certify that I am District Court, Northern District of Californ	an employee in the Office of the Clerk, U.S. nia.
attached, by placing said copy(ies) in a post	aid envelope in the U.S. Mail, or by placing said
Willie George Erwin, Jr. T-64857 CTF P. O., Box 698 Soledad, CA 93960-0689	
DATED: R	ichard W. Wieking, Clerk v: Elizabeth Garcia, Deputy Clerk