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FILED
06 OCT 31 AM 8:41
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
PDL
DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JEFFREY RAY COLE,
Petitioner,
vs.
L. E. SCRIBNER, Warden, et al.,
Respondents.

Civil No. 06-2356 H (BLM)

**ORDER TRANSFERRING ACTION
TO UNITED STATES DISTRICT
COURT FOR THE CENTRAL
DISTRICT OF CALIFORNIA,
EASTERN DIVISION**

Petitioner is a state prisoner proceeding pro se with a habeas corpus action filed pursuant to 28 U.S.C. § 2254. Upon reviewing the petition, the Court finds that this case should be transferred in the interest of justice.

A petition for writ of habeas corpus may be filed in the United States District Court of either the judicial district in which the petitioner is presently confined or the judicial district in which he was convicted and sentenced. See 28 U.S.C. § 2241(d); *Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 497 (1973). The application in the present matter attacks a judgment of conviction that was entered in the Riverside County Superior Court, which is within the jurisdictional boundaries of the United States District Court for the Central District of California, Eastern Division. 28 U.S.C. § 84(c)(1). Petitioner is presently confined at Calipatria State Prison in Calipatria, California, located in Imperial County, which is within the jurisdictional boundaries of the United States District Court for the Southern District of

1 California. 28 U.S.C. § 84(d). Thus, jurisdiction exists in both the Central and Southern
2 Districts.

3 When a habeas petitioner is challenging a judgment of conviction, the district court of the
4 district in which the judgment of conviction was entered is a more convenient forum because of
5 the accessibility of evidence, records and witnesses. Thus, it is generally the practice of the
6 district courts in California to transfer habeas actions questioning judgments of conviction to the
7 district in which the judgment was entered. Any and all records, witnesses and evidence
8 necessary for the resolution of Petitioner's contentions are available in Riverside County. *See*
9 *Braden*, 410 U.S. at 497, 499 n.15 (stating that a court can, of course, transfer habeas cases to
10 the district of conviction which is ordinarily a more convenient forum); *Laue v. Nelson*, 279
11 F. Supp. 265, 266 (N.D. Cal. 1968).

12 Therefore, in the furtherance of justice, **IT IS ORDERED** that the Clerk of this Court
13 transfer this matter to the United States District Court for the Central District of California,
14 Eastern Division. *See* 28 U.S.C. § 2241(d). **IT IS FURTHER ORDERED** that the Clerk of
15 this Court serve a copy of this Order upon Petitioner and upon the California Attorney General.

16 DATED: 10/27/06 _____ Marilyn L. Huff
17 Marilyn L. Huff
18 United States District Judge
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