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

WAYNE PARKS,

Petitioner,

No. CIV S-09-1263 DAD P

vs.

MATTHEW CATE,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On November 2, 2009, the court dismissed petitioner’s original petition with leave to file an amended petition clarifying his claims for relief. In the order, the court expressed strong reservations about whether venue over the claims petitioner was apparently attempting to assert would be proper in the United States District Court for the Eastern District of California. Specifically, the court noted that, to the extent that petitioner was seeking to challenge his underlying judgment of conviction entered by the San Diego County Superior Court, the proper venue in which to pursue such a challenge would be in the United States District Court for the Southern District of California. See Braden v. 30th Judicial Circuit Court, 410 U.S. 484, 499 n.15 (1973); 28 U.S.C. § 2241(d)

1           In response to the court's order, petitioner has filed a motion to transfer his case to  
2 the Southern District of California noting that all witnesses and evidence necessary for the  
3 resolution of his claims are more readily available in San Diego County. Good cause appearing,  
4 the court will grant petitioner's motion.

5           The undersigned is mindful of the shortcomings of petitioner's filings with this  
6 court and has noted many of them in its previous order. However, in the interest of justice and in  
7 light of petitioner's response to the court's order, the court will transfer this matter to the district  
8 where petitioner's habeas corpus claims could be properly brought.

9           In furtherance of justice, IT IS HEREBY ORDERED that:

10           1. Petitioner's December 7, 2009 motion (Doc. No. 11) is granted; and

11           2. This matter is transferred to the United States District Court for the Southern  
12 District of California.

13 DATED: December 15, 2009.

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16 DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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