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

WILLIAM FRANCIS FRIERY,

Petitioner,

No. CIV S-10-2408 DAD P

vs.

MICHAEL MARTEL,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, and a request to proceed in forma pauperis.

The application attacks a judgment of conviction entered in the San Diego Superior Court. While both this Court and the United States District Court in the district where petitioner was convicted have jurisdiction, see Braden v. 30th Judicial Circuit Court, 410 U.S. 484 (1973), any and all witnesses and evidence necessary for the resolution of petitioner’s application are more readily available in San Diego County. Id. at 499 n.15; 28 U.S.C. § 2241(d).

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1 Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that:

2 1. This court has not ruled on petitioner's application to proceed in forma
3 pauperis; and

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

6 DATED: September 15, 2010.

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10 DALE A. DROZD
11 UNITED STATES MAGISTRATE JUDGE

11 DAD:md/4
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