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

EDWIN EDUARDO CHAVEZ,

Petitioner,

No. 2:12-cv-0240 EFB P

vs.

M.D. McDONALD,

Respondent.

ORDER

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Petitioner is a state prisoner without counsel seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He seeks leave to proceed *in forma pauperis*. See 28 U.S.C. § 1915.

However, petitioner has commenced this action in the wrong district.

Petitioner was convicted in the Riverside County Superior Court of first degree murder. Pet., Dckt. No. 1 at 1. The Riverside County Superior Court is located in the Central District of California. See 28 U.S.C. 84(c). The petition reflects that petitioner is currently incarcerated at Richard J. Donovan Correctional Facility, which is located in San Diego County. Dckt. No. at 7. Thus, petition is confined in the Souther District of California. See 28 U.S.C. 84(d). The instant petition challenges the results of a disciplinary decision that occurred while petitioner was incarcerated at Richard J. Donovan Correctional Facility.

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1 In a habeas action, venue is proper in either the district of confinement or the district of  
2 conviction. 28 U.S.C. 2241(d). Petitioner was convicted in the Riverside County Superior  
3 Court, but is confined in San Diego County. Thus, the Eastern District is not a proper venue for  
4 this action.

5 As the petition challenged a disciplinary action occurring at Richard J. Donovan  
6 Correctional Facility, and witnesses and evidence necessary for the resolution of petitioner's  
7 application are more readily available in the county of petitioner's confinement, the court will  
8 transfer this action to the United States District Court for the Southern District of California. *See*  
9 Rule 12, Rules Governing § 2254 Cases; 28 U.S.C. 1404(a); *Braden v. 30th Judicial Circuit*  
10 *Court*, 410 U.S. 484, 499 n. 15 (1973). The court declines to take action on petitioner's  
11 application to proceed *in forma pauperis*.

12 Accordingly, it is ORDERED that this action is transferred to the United States District  
13 Court for the Southern District of California.

14 DATED: August 10, 2012.

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16 EDMUND F. BRENNAN  
17 UNITED STATES MAGISTRATE JUDGE  
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