

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

H. DYMITRI HARASZEWSKI,
Petitioner,
v.
WARDEN, MULE CREEK STATE
PRISON,
Respondent.

No. 2:13-cv-1663 DAD P

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, together with a request to proceed in forma pauperis.

The application attacks a judgment of conviction entered by the San Diego County 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).

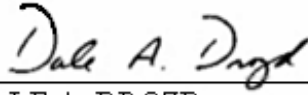
/////
/////
/////
/////

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

1. This court has not ruled on petitioner's application to proceed in forma pauperis; and
2. This matter is transferred to the United States District Court for the Southern District of California.

Dated: August 16, 2013



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:mp
hara1663.108