

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
NORTHERN DISTRICT OF CALIFORNIA

CLIFFORD H. PATTERSON,
Petitioner,
v.
BRIAN DUFFY,
Respondent.

Case No. [15-cv-00118-JD](#)

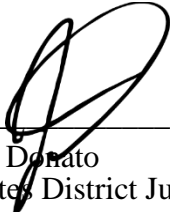
ORDER OF TRANSFER

This case was opened when plaintiff wrote a letter to the court regarding his conviction and his medical care. In an effort to protect his rights, it was filed as a new case. While filed as a civil rights action, petitioner has filed a formal habeas petition. He states he was convicted in San Diego Superior Court which is located in Southern District of California. He is currently incarcerated in Stockton, CA in the Eastern District of California.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); this district is neither. Because petitions challenging a conviction are preferably heard in the district of conviction, Habeas L.R. 2254-3(a); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968), and petitioner was convicted and in the Southern District, this case is **TRANSFERRED** to the United States District Court for the Southern District of California.¹ See 28 U.S.C. § 1406(a); Habeas L.R. 2254-3(b).

IT IS SO ORDERED.

Dated: March 9, 2015


James Donato
United States District Judge

¹ A habeas petition challenging this same conviction was recently denied in the Southern District. *Patterson v. Beard*, 2015 WL 412842 (S.D. Cal., Jan. 30, 2015).

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
NORTHERN DISTRICT OF CALIFORNIA

CLIFFORD H. PATTERSON,
Plaintiff,
v.
BRIAN DUFFY,
Defendant.

Case No. [15-cv-00118-JD](#)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 3/9/2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Clifford H. Patterson ID: AD1798
California Health Care Facility, Stockton
P. O. Box 32050
Stockton, CA 95213

Dated: 3/9/2015

Richard W. Wieking
Clerk, United States District Court

B:  _____
LISA R. CLARK, Deputy Clerk to the
Honorable JAMES DONATO