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

COLLIE GEORGE DOWNER,

Petitioner,

No. 2:09-cv-1491 JFM (HC)

vs.

M. CRAMER, Warden,

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, together with a request to proceed in forma pauperis. This court will not rule on petitioner's request to proceed in forma pauperis.

Petitioner is incarcerated in Tutwiler, Missouri and was convicted in San Francisco County. San Francisco County is in an area embraced by the United States District Court for the Northern District of California.

Pursuant to 28 U.S.C § 2241(d), courts in both the district of conviction and the district of confinement have concurrent jurisdiction over applications for habeas corpus filed by state prisoners. Because petitioner was not convicted in this district, and is not presently confined here, this court does not have jurisdiction to entertain the application.

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1 Accordingly, IT IS HEREBY ORDERED that:

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

3 2. This matter is transferred to the United States District Court for the Northern

4 District of California. 28 U.S.C. § 2241(d); 28 U.S.C. § 1406(a).

5 DATED: June 4, 2009.

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8 UNITED STATES MAGISTRATE JUDGE

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