

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

George Eugene Cross v. California Supreme Court

Cross v. California Supreme Court · No. 1:25-cv-01183-CDB (HC) · Decided September 18, 2025

SUMMARY

The United States District Court for the Eastern District of California transferred George Eugene Cross's state habeas corpus action to the court's Sacramento Division. The court concluded that the Sacramento Division was the more appropriate forum because the underlying conviction and the petitioner's incarceration were connected to that division.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 18, 2025
DOCKET	1:25-cv-01183-CDB (HC)
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254. The district court sua sponte transferred the action to the Sacramento Division of the Eastern District of California.
PRECEDENTIAL VALUE	Unknown
PARTIES	George Eugene Cross v. California Supreme Court

TOPICS

- federal habeas corpus
- venue
- civil procedure

PRACTICE AREAS

- habeas corpus
- federal civil procedure
- venue and transfer

QUESTIONS PRESENTED

- Whether a federal habeas petition challenging a state conviction should be transferred to the federal district division where the petitioner is incarcerated and where the conviction arose.

HOLDINGS

1. A habeas petition challenging a state conviction or sentence may be transferred, on the court's own motion, to the federal judicial division where the petitioner is confined and where the state conviction arose when that division is the more convenient and proper forum.

KEY QUOTATIONS

“Accordingly, IT IS HEREBY ORDERED that this action is transferred to the United States District Court for the Eastern District of California sitting in Sacramento.” (at 2)

FACTUAL BACKGROUND

Petitioner was a state prisoner challenging a state-court conviction. His petition referred to a Sacramento arrest report and included the California Supreme Court's denial of a petition for writ of mandate arising from an appeal from the California Court of Appeal, Third Appellate Division. The petition indicated that the underlying conviction and petitioner's incarceration were connected to Amador County, which lies within the Sacramento Division.

PROCEDURAL HISTORY

Cross initiated the federal habeas action on September 11, 2025. The court determined that his state conviction arose in a county within the Sacramento Division and that he was incarcerated there, making that division the more convenient and proper forum. The court ordered the action transferred to the Sacramento Division.

DISPOSITION

other

REMAND INSTRUCTIONS

The action was transferred to the United States District Court for the Eastern District of California sitting in Sacramento. Future filings were ordered to reference the new Sacramento Division case number and be filed at the Sacramento courthouse.

CASES CITED

- *Braden v. 30th Judicial Cir. Ct. of Ky.*, 410 U.S. 484, 499 & n.15 (1973)
- *Tate v. Unknown*, No. 24-cv-756 JLS (LR), 2024 WL 2880583, at *1 (S.D. Cal. May 7, 2024)
- *Gakuba v. Cal. Attorney Gen.*, No. 22-cv-07698 NC (PR), 2022 WL 17813143, at *1 (N.D. Cal. Dec. 16, 2022)
- *Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 GEORGE EUGENE CROSS, 1:25-cv-01183-CDB (HC) 12 Petitioner,
ORDER TRANSFERRING CASE TO THE SACRAMENTO DIVISION OF THE 13 v.

EASTERN DISTRICT OF CALIFORNIA 14 CALIFORNIA SUPREME COURT, (Doc. 1) 15 Respondent. 16 17 Petitioner George Eugene Cross, a state prisoner proceeding pro se, initiated this action on 18 September 11, 2025, with the filing of a petition for writ of habeas corpus action pursuant to 28 19 U.S.C. § 2254.

(Doc. 1). 20 When a habeas petition is filed by a person in custody under a state court judgment, and 21 that state contains two or more federal judicial districts—such as California—the petition may be 22 filed in either the judicial district in which the petitioner is presently confined, or the judicial district 23 in which he was convicted and sentenced.

See 28 U.S.C. § 2241(d). When a habeas petition 24 challenges the petitioner’s conviction or sentence, e.g., a habeas petition brought pursuant to 28 25 U.S.C. § 2254, the district where the petitioner was convicted and sentenced is a more convenient 26 forum because trial court records, witnesses, and other evidence related to the crime and his 27 conviction are usually located in that district.

See *Braden v. 30th Judicial Cir. Ct. of Ky.*, 410 U.S. 28 484, 4998 & n.15 (1973). Thus, California courts generally transfer habeas actions challenging — EE EEE III IE III OSE IEE IIS 1 || state convictions or sentences to the district where the petitioner was convicted and sentenced. See, 2 | e.g., *Tate v. Unknown*, No. 24-cv-756 JLS (LR), 2024 WL 2880583, at *1 (S.D.

Cal. May 7, 2024) 3 | (citing *Braden*); *Gakuba v. Cal. Attorney Gen.*, No. 22-cv-07698 NC (PR), 2022 WL 17813143 at 4 | *1(N.D. Cal. Dec. 16, 2022); *Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993). 5 Here, Petitioner challenges a conviction imposed in state court. A review of the petition, 6 | particularly its reference to a Sacramento arrest report and inclusion of a copy of the California 7 | Supreme Court’s denial of Petitioner’s petition for writ of mandate on appeal from the Court of 8 | Appeal, Third Appellate Division, reflects that Petitioner’s underlying state conviction arose in a 9 | county that is part of the Sacramento Division of the United States District Court for the Eastern 10 | District of California.

(Doc. 1 at 4). Further, Petitioner is presently incarcerated in Amador County, 11 | within the Sacramento Division. See *id.* Therefore, the better forum for his claims is the division 12 | of the district court where he is incarcerated (the Sacramento Division), particularly because, 13 | according to the petition, the events surrounding his incarceration occurred within the Sacramento 14 | Division of the Court and the criminal action against him resulting in his incarceration was within 15 || the Sacramento Division.

16 Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper 17 | court may, on the court’s own motion, be transferred to the proper court. Therefore, this action will 18 | be transferred to the Sacramento Division of the Court. 19 Conclusion and Order 20

Accordingly, IT IS HEREBY ORDERED that this action is transferred to the United States 21 | District Court for the Eastern District of California sitting in Sacramento.

All future filings shall 22 | reference the new Sacramento Division case number assigned and shall be filed at: 23 United States District Court Eastern District of California 501 "I" Street, Suite 4-200 25 Sacramento, CA 95814 6 IT IS SO ORDERED. 7 Dated: _ September 17, 2025 | Ww VV KD 38 UNITED STATES MAGISTRATE JUDGE