

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

OPINION

George Eugene Cross v. California Supreme Court

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

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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

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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