

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jason Robert Porter v. Warden of P.V.S.P.

Porter · No. 1:25-cv-01134-SAB-HC · Decided September 9, 2025

SUMMARY

The United States District Court for the Eastern District of California transfers Jason Robert Porter's 28 U.S.C. § 2254 habeas petition to the Central District of California. The court determines that venue is proper in the district of conviction because the petition challenges a criminal judgment from the San Luis Obispo County Superior Court, and notes that it has not ruled on the in forma pauperis request.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 9, 2025
DOCKET	1:25-cv-01134-SAB-HC
DISPOSITION	remanded
PROCEDURAL POSTURE	A state prisoner proceeding pro se filed a petition for writ of habeas corpus under 28 U.S.C. § 2254 in the Eastern District of California. The court transferred the action to the Central District of California rather than dismissing it for improper venue.
PRECEDENTIAL VALUE	Unpublished district court transfer order; limited precedential value.

TOPICS

- federal habeas corpus
- venue
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- venue
- civil procedure

QUESTIONS PRESENTED

- Whether the Eastern District of California was the proper venue for a state habeas petition challenging a criminal judgment from the San Luis Obispo County Superior Court.

2. Whether the court should transfer the petition to the Central District of California under 28 U.S.C. § 2241(d) and § 1404(a).

HOLDINGS

1. A habeas petition challenging a criminal judgment from the San Luis Obispo County Superior Court is properly heard in the federal district encompassing the district of conviction, the Central District of California.
2. The action should be transferred to the United States District Court for the Central District of California.

KEY QUOTATIONS

“Accordingly, IT IS HEREBY ORDERED that this action is TRANSFERRED to the United States District Court for the Central District of California.” (at 2)

FACTUAL BACKGROUND

Jason Robert Porter, a state prisoner, filed a federal habeas petition under 28 U.S.C. § 2254. The petition challenged a criminal judgment entered by the San Luis Obispo County Superior Court. Because San Luis Obispo County lies within the Central District of California, the court concluded that the district of conviction was the proper venue.

PROCEDURAL HISTORY

Petitioner challenged a criminal judgment from the San Luis Obispo County Superior Court. The Eastern District of California determined that the district of conviction was the proper venue and transferred the case to the United States District Court for the Central District of California. The court had not ruled on petitioner's request to proceed in forma pauperis.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action is transferred to the United States District Court for the Central District of California for further proceedings. The Eastern District of California did not rule on the request to proceed in forma pauperis.

CASES CITED

- *Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004)
- *Carbo v. United States*, 364 U.S. 611, 618, 81 S. Ct. 338, 5 L. Ed. 2d 329 (1961)
- *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989)
- *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968)

OPINION

Porter

PER CURIAM.

1 2 3 4 5 6 7 8

UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

10 11 JASON ROBERT PORTER, Case No. 1:25-cv-01134-SAB-HC 12 Petitioner, ORDER
TRANSFERRING CASE TO THE

UNITED STATES DISTRICT COURT FOR

13 v. THE CENTRAL DISTRICT OF

CALIFORNIA

14 WARDEN OF P.V.S.P.,

15 Respondent. 16

17 Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus 18
pursuant to 28 U.S.C. § 2254. 19 When a state prisoner files a habeas petition in a state that
contains two or more federal 20 judicial districts, the petition may be filed in either the judicial
district in which the petitioner is 21 presently confined or the judicial district in which he was
convicted and sentenced. See 28 22 U.S.C. § 2241(d); *Rumsfeld v. Padilla*, 542 U.S. 426, 442
(2004) (quoting *Carbo v. United 23 States*, 364 U.S. 611, 618, 81 S. Ct. 338, 5 L. Ed. 2d 329
(1961)). Petitions challenging the 24 execution of a sentence are preferably heard in the district
where the inmate is confined. See 25 *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).
Petitions challenging convictions or 26 sentences are preferably heard in the district of conviction.
See *Laue v. Nelson*, 279 F. Supp. 27 265, 266 (N.D. Cal. 1968). Section 2241 further states that,
rather than dismissing an improperly 1 | transfer” the habeas petition to another federal district for
hearing and determination. *Id.*; see also 2 | 28 U.S.C. § 1404(a) (court may transfer any civil action
“to any other district or division where it 3 | might have been brought” for convenience of parties
or “in the interest of justice”). 4 Here, Petitioner challenges a criminal judgment from the San Luis
Obispo County 5 | Superior Court. (ECF No. 1 at 1.) Therefore, venue is proper in the district of
conviction, which 6 | is the Central District of California. 7 Accordingly, IT IS HEREBY
ORDERED that this action is TRANSFERRED to the 8 | United States District Court for the
Central District of California. This Court has not ruled on the 9 | request to proceed in forma
pauperis. (ECF No. 2.) 10 i IT IS SO ORDERED. FA. ee 12 | Dated: _ September 9, 2025

STANLEY A. BOONE

13 United States Magistrate Judge 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28