

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.

OPINION

Porter

PER CURIAM.

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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