

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Edward Harry Constable aka Brittany H. Constable v. Jeff
McCombre

Constable v. McCombre · No. 25-cv-02066-PCP · Decided October 1, 2025

SUMMARY

The United States District Court for the Northern District of California transferred a prisoner’s filing to the Eastern District of California. The court concluded that the Eastern District was the appropriate venue for both the petitioner’s habeas claims challenging a San Joaquin County conviction and any related civil rights claims concerning confinement conditions and an alleged courthouse attack.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	P. Casey Pitts
JURISDICTION	United States District Court for the Northern District of California
DECIDED	October 1, 2025
DOCKET	25-cv-02066-PCP
DISPOSITION	transferred
PROCEDURAL POSTURE	A state prisoner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 that also appeared to assert civil-rights claims. The Northern District of California transferred the action to the Eastern District of California for improper venue.
PRECEDENTIAL VALUE	unpublished

TOPICS

- venue
- federal habeas corpus
- civil rights
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- civil procedure
- civil rights

QUESTIONS PRESENTED

1. Whether venue for the habeas claims was proper in the Northern District of California or should be transferred to the Eastern District of California.
2. Whether venue for the apparent civil-rights claims was proper in the Northern District of California or should be transferred to the Eastern District of California.

HOLDINGS

1. The Eastern District of California was the appropriate venue for claims challenging Petitioner's San Joaquin County conviction because it is the district of conviction, even though habeas venue may also be proper in the district of confinement.
2. The Eastern District of California was the proper venue for the apparent civil-rights claims because the events at issue occurred there and venue was not proper in the Northern District of California.
3. The action was transferred to the United States District Court for the Eastern District of California under 28 U.S.C. § 1406(a).

KEY QUOTATIONS

“Because the Eastern District of California is the appropriate venue whether the instant action is construed as a habeas petition or as a civil rights lawsuit, this case is TRANSFERRED to the United States District Court for the Eastern District of California.” (at 2)

FACTUAL BACKGROUND

Petitioner was incarcerated at Kern Valley State Prison in Delano, California. His filing challenged a conviction from San Joaquin County Superior Court, conditions at Kern Valley State Prison, California State Prison–Sacramento, and California State Prison–Stockton, and an attack suffered at a San Joaquin County courthouse. The court treated the filing as potentially containing both habeas and civil-rights claims.

PROCEDURAL HISTORY

Petitioner challenged a San Joaquin County Superior Court conviction, conditions of confinement at several California prisons, and an attack at a San Joaquin County courthouse. The court concluded that the Eastern District of California was the appropriate venue for both the habeas and civil-rights aspects of the filing and ordered transfer under 28 U.S.C. § 1406(a).

DISPOSITION

transferred

REMAND INSTRUCTIONS

The Clerk was directed to terminate all pending motions and transfer the entire file to the United States District Court for the Eastern District of California.

CASES CITED

- Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968)

OPINION

McCombre

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 EDWARD HARRY CONSTABLE, Case No. 25-cv-02066-PCP

aka BRITTANY H. CONSTABLE

8 Plaintiff, ORDER OF TRANSFER 9 v. 10

JEFF MCCOMBRE,

11 Defendant. 12

13 14 Petitioner, a state prisoner at Kern Valley State Prison, in Delano, California, filed a 15
petition for a writ of habeas corpus under 28 U.S.C. § 2254. See Dkt. No. 1. Petitioner's filing also
16 appears to raise civil rights claims. See *id.* Specifically, Petitioner challenges a conviction from
17 San Joaquin County Superior Court; the conditions of Petitioner's confinement at Kern Valley
18 State Prison, California State Prison – Sacramento, and California State Prison – Stockton; and
for 19 an attack that Petitioner suffered in a San Joaquin County courthouse. See *id.* at 3, 4, 6, 9,
10, 20. 20 To the extent Petitioner intends to pursue a habeas action, relief must be sought from the
21 Eastern District of California. Although venue for a habeas action is proper in either the district
of 22 confinement or the district of conviction, 28 U.S.C. § 2241(d), petitions challenging a
conviction 23 or sentence are preferably heard in the district of conviction, Habeas L.R. 2254-3(b)
(1). See also 24 *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Because Petitioner
challenges a 25 conviction from San Joaquin County, the Eastern District of California is the
district of conviction 26 and that District is the appropriate venue for any habeas claims. See 28
U.S.C. § 84(b). 27 To the extent Petitioner intends to pursue civil rights claims, relief must be
sought from the] District of California. See generally Dkt. No. 1. Venue for any civil rights claims
therefore would 2 || be proper in the Eastern District of California and not in this one. See 28
U.S.C. § 1391(b) 3 (explaining that venue is appropriate in a judicial district where any defendant
resides or where the 4 || events at issue occurred). 5 Because the Eastern District of California is
the appropriate venue whether the instant 6 || action is construed as a habeas petition or as a civil
rights lawsuit, this case is TRANSFERRED 7 || to the United States District Court for the Eastern
District of California. See 28 U.S.C. § 1406(a). 8 The Clerk shall terminate all pending motions
and transfer the entire file to the Eastern 9 || District of California. 10 IT IS SO ORDERED. 1]
Dated: October 1, 2025 as 12 13 3 P. Casey Pitts 14 United States District Judge 16 17 Oo Z 18 19
20 21 22 23 24 25 26 27 28

