

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

OPINION

McCombre

PER CURIAM.

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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