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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANNIE WILSON,)	No. C 12-02803 EJD (PR)
Plaintiff,)	ORDER REOPENING ACTION AND
v.)	OF TRANSFER
WARDEN J. McDONALD, et al.,)	
Defendants.)	
_____)	

On July 13, 2012, the Court dismissed this civil rights action because Plaintiff, a California inmate, had failed to respond to the Clerk’s notices directing him to file: 1) a complaint; and 2) pay the filing fee or file an In Forma Pauperis (“IFP”) Application in the time provided by the Court. (See Docket No. 5.) On July 23, 2012, the Court received Plaintiff’s complaint and IFP application with a notice from the United States Postal Service indicating mishandled mail. (Docket No. 7.) Because it appears that the late filing was not the fault of Plaintiff, the Court will reopen this action.

Plaintiff’s complaint alleges that while he was incarcerated at the La Palma Correctional Center in the State of Arizona, he did not receive proper medical attention for his cancer although he complained several times to Warden J.

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McDonald and other prison staff. (Docket No. 7.) Because the acts complained of occurred in Arizona, which lies within the venue of the District of Arizona, venue properly lies in that district and not in this one. See 28 U.S.C. § 1391(b). Accordingly, this case is TRANSFERRED to the United States District Court of Arizona. See 28 U.S. C. § 1406(a).

The Clerk shall reopen this action, terminate any pending motions and transfer the entire file to the District of Arizona.

DATED: 8/3/2012


EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DANNIE WILSON,
Plaintiff,

Case Number: CV12-02803 EJD

CERTIFICATE OF SERVICE

v.

WARDEN J. McDONALD, et al.,
Defendants.

_____/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on _____, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Dannie Wilson J-04486
Donovan State Prison
P. O. Box 799001
San Diego, CA 92179

Dated: _____

Richard W. Wieking, Clerk
By: Elizabeth Garcia, Deputy Clerk