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

BRIAN W. THOMAS,

Petitioner,

No. CIV S-05-1878 DFL DAD P

vs.

1: 05 CV 1198 AMI TAG HC

JAMES A. YATES,

Respondent.

ORDER

(HC) Thomas v. Yates

Doc. 4

Petitioner, a state prisoner proceeding through counsel, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 and has paid the required filing fee. In his petition, petitioner challenges Governor Schwarzenegger's decision on December 15, 2004, reversing the June 30, 2004 decision of the Board of Prison Terms granting parole and directing the California Department of Corrections to release petitioner, credit his parole term with time confined in excess of the term calculated by the Board, and discharge his parole if the term of parole is exceeded. The petition has been filed in the United States District Court for the Eastern District of California on the ground that petitioner is confined in Fresno County.

The Local Rules of Practice provide that "[a]ll civil and criminal actions and proceedings of every nature and kind cognizable by the United States District Court for the Eastern District of California arising in . . . Fresno . . . count[y] shall be commenced in the

1 United States District Court sitting in Fresno, California.” Local Rule 3-120(d). Pursuant to
2 Local Rule 3-120(f), a civil action which has not been commenced in the proper division of the
3 United States District Court for the Eastern District of California may, on the court’s own
4 motion, be transferred to the proper division of the court. This action will therefore be
5 transferred to the Fresno Division of the court for further proceedings.

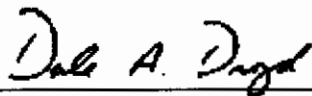
6 Good cause appearing, IT IS HEREBY ORDERED that:

7 1. This action is transferred to the United States District Court for the Eastern
8 District of California sitting in Fresno; and

9 2. All future filings shall reference the new Fresno case number assigned to the
10 case and shall be filed at the following address:

11 United States District Court
12 Eastern District of California
13 1130 “O” Street
Fresno, CA 93721.

14 DATED: September 21, 2005.

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16 _____
DALE A. DROZD
17 UNITED STATES MAGISTRATE JUDGE

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