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

MARK JUAREZ,)	CIV F 07-701 AWI (NEW) TAG
)	
Plaintiffs,)	ORDER TRANSFERRING
)	CASE TO SACRAMENTO
v.)	DIVISION OF THE EASTERN
)	DISTRICT OF CALIFORNIA
SCOTTSDALE INSURANCE CO., and)	
DOES 1-25,)	
)	
Defendants.)	

On May 11, 2007, Scottsdale Insurance Co. removed the above entitled action to this Court on the basis of diversity under 28 U.S.C. § 1441(a).¹ A case is to be removed to the district *and* division that embraces the location where the action is pending. 28 U.S.C. § 1441(a); 28 U.S.C. § 1446(a). Plaintiff filed this action originally in the Superior Court of Siskiyou California. Siskiyou County borders Oregon and is in the Sacramento Division of the Eastern District of California. See Local Rule 3-120(d). Local Rule 3-120(f) reads in relevant part, “Whenever in any action the Court finds upon its own motion . . . that an action has not been commenced in the proper court in accordance with this Rule . . . the Court may transfer the same to another venue within the District.” Local Rule 3-120(f). Since Fresno is not the proper

¹The notice of removal indicates 28 U.S.C. § 1441(b). However, the notice clearly relies on diversity jurisdiction, so removal was actually based on 28 U.S.C. § 1441(a), not § 1441(b). See 28 U.S.C. § 1441; Lively v. Wild Oats Mkts, Inc., 456 F.3d 933, 935 n.1 (9th Cir. 2006).

1 division within the Eastern District of California for this case, the Court will transfer this case to
2 the Sacramento Division. See Local Rule 3-120.

3
4 Accordingly, IT IS HEREBY ORDERED that this case is forthwith transferred to the
5 Sacramento Division of this District.

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7 IT IS SO ORDERED.

8 **Dated:** May 16, 2007

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE

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