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

ROBERT BENYAMINI,
Plaintiff,
vs.
C/O RIVERS, IV, et al.,
Defendants.

1:08-cv-1007 WMW (PC)

**ORDER TRANSFERRING CASE TO THE
SACRAMENTO DIVISION OF THE
EASTERN DISTRICT OF CALIFORNIA**

_____/

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

In his complaint, plaintiff alleges violations of his civil rights by defendants. The alleged violations took place in Solano County, which is part of the Sacramento Division of the United States District Court for the Eastern District of California. Therefore, the complaint should have been filed in the Sacramento Division.

Pursuant to Local Rule 3-120(b), a civil action which has not been commenced in the proper court may, on the court's own motion, be transferred to the proper court. Therefore, this action will be transferred to the Sacramento Division. This court will not rule on plaintiff's request to proceed in forma pauperis.

Good cause appearing, IT IS HEREBY ORDERED that:

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

2. All future filings shall refer to the new Sacramento case number assigned and shall be filed at:

United States District Court
Eastern District of California
501 "I" Street, Suite 4-200
Sacramento, CA 95814

3. This court has not ruled on plaintiff's request to proceed in forma pauperis.

IT IS SO ORDERED.

Dated: January 8, 2009

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE