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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
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13 JOHNNY GRAVES

1:09-CV-00046-WMW

14 Petitioner,

15 vs.

16 ANTHONY HEDGPETH

17 Respondent.

ORDER OF TRANSFER

18 _____/
19 Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to
20 28 U.S.C. § 2254, together with a request to proceed in forma pauperis pursuant to 28 U.S.C.
21 § 1915.

22 The petitioner is challenging a conviction from Sacramento County, which is part of the
23 Sacramento Division of the United States District Court for the Eastern District of California.
24 Therefore, the petition should have been filed in the Sacramento Division.

25 Pursuant to Local Rule 3-120(b), a civil action which has not been commenced in the
26

1 proper court may, on the court's own motion, be transferred to the proper court. Therefore, this
2 action will be transferred to the Sacramento Division. This court will not rule on petitioner's
3 request to proceed in forma pauperis.

4 Good cause appearing, IT IS HEREBY ORDERED that:

5 1. This court has not ruled on petitioner's request to proceed in forma pauperis.

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

8 3. All future filings shall reference the new Sacramento case number assigned and shall
9 be filed at:

10 United States District Court
11 Eastern District of California
12 501 "I" Street, Suite 4-200
Sacramento, CA 95814

13 IT IS SO ORDERED.

14 **Dated: January 12, 2009**

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE