

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 DANIEL LAWRENCE SMITH,

11 Plaintiff,

No. CIV S-09-0288 KJM P

12 vs.

13 JAMES A. YATES, et al.,

14 Defendants.

ORDER

15 \_\_\_\_\_/  
16 Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant  
17 to 42 U.S.C. § 1983, together with a request to proceed in forma pauperis. In his complaint,  
18 plaintiff alleges violations of his civil rights by defendants. The alleged violations took place in  
19 Fresno County, which is part of the Fresno Division of the United States District Court for the  
20 Eastern District of California. See Local Rule 3-120(d).

21 Pursuant to Local Rule 3-120(f), a civil action which has not been commenced in  
22 the proper division of a court may, on the court's own motion, be transferred to the proper  
23 division of the court. Therefore, this action will be transferred to the Fresno Division of the  
24 court. In light of 1996 amendments to 28 U.S.C. § 1915, this court will not rule on plaintiff's  
25 request to proceed in forma pauperis.

26 /////

Good cause appearing, IT IS HEREBY ORDERED that:

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

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

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

United States District Court  
Eastern District of California  
2500 Tulare Street  
Fresno, CA 93721

DATED: February 11, 2009.

  
\_\_\_\_\_  
U.S. MAGISTRATE JUDGE

/mp  
smit0288.22