

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

E-FILED - 1/30/09

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

SHANNON LEWIS AVERY SR.,)	No. C 09-0059 RMW (PR)
)	
Plaintiff,)	ORDER OF TRANSFER
)	
vs.)	
)	
SUZAN L. HUBBARD, Director; JAMES)	
D. HARTLEY, Warden; et. al.,)	
)	
Defendants.)	
_____)	

Plaintiff, a state prisoner proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against the California Department of Corrections and Rehabilitation Director Suzan L. Hubbard, and several employees of Avenal State Prison in Avenal. The acts complained of occurred in Avenal and the defendant is located at Avenal State Prison, which lies within the venue of the Eastern District of California.

Therefore, venue properly lies in the Eastern District. See 28 U.S.C. § 1391(b). Accordingly, this case is TRANSFERRED to the United States District Court for the Eastern District of California. See 28 U.S.C. § 1406(a). The clerk shall terminate all pending motions and transfer the entire file to the Eastern District of California.

IT IS SO ORDERED.
DATED: 1/30/09


RONALD M. WHYTE
United States District Judge