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

ROBERT WAYNE MATHIS,

Plaintiff,

No. CIV S-09-0751 GGH P

vs.

MATTHEW CATES, et al.,

Defendants.

ORDER

_____ /

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. In his complaint, plaintiff alleges violations of his civil rights by defendants. The alleged violations took place in Fresno County, which is part of the Fresno Division of the United States District Court for the Eastern District of California.¹ See Local Rule 3-120(d).

Pursuant to Local Rule 3-120(f), a civil action which has not been commenced in the proper division of a court may, on the court's own motion, be transferred to the proper

¹ Although plaintiff has also named as defendants prison officials located in Sacramento, i.e., the California Department of Corrections and Rehabilitation Secretary and the Chief of Inmate Appeals, on the face of it, plaintiff appears to be challenging a CDCR policy as it is being implemented at Pleasant Valley State Prison and most of the named defendants are located in Fresno County.

1 division of the court. Therefore, this action will be transferred to the Fresno Division of the
2 court. In light of 1996 amendments to 28 U.S.C. § 1915, this court will not rule on plaintiff'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 plaintiff's request to proceed in forma pauperis;
- 6 2. This action is transferred to the United States District Court for the Eastern
7 District of California sitting in Fresno; and
- 8 3. All future filings shall reference the new Fresno case number assigned and
9 shall be filed at:

10 United States District Court
11 Eastern District of California
12 2500 Tulare Street
13 Fresno, CA 93721

14 DATED: April 1, 2009

15 /s/ Gregory G. Hollows

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GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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