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

10 NICHOLAS J. QUEEN,

11 Petitioner,

No. CIV S-09-1775 DAD P

12 vs.

13 H.A. RIOS, Warden,

14 Respondent.

ORDER

15 \_\_\_\_\_/  
16 Petitioner, a federal prisoner proceeding pro se, has filed an application for a writ  
17 of habeas corpus pursuant to 28 U.S.C. § 2241, together with a motion to proceed in forma  
18 pauperis.

19 In his application, petitioner challenges the execution of his sentence. Petitioner  
20 is incarcerated at the United States Penitentiary, Atwater in Atwater, California. Atwater is  
21 located in Merced County which is part of the Fresno Division of the United States District Court  
22 for the Eastern District of California. See Local Rule 3-120(d).

23 Pursuant to Local Rule 3-120(f), a civil action which has not been commenced in  
24 the proper division of a court may, on the court's own motion, be transferred to the proper  
25 division of the court. Therefore, this action will be transferred to the Fresno Division of the  
26 court.

1 Good cause appearing, IT IS HEREBY ORDERED that:

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

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

6 United States District Court  
7 Eastern District of California  
8 2500 Tulare Street  
9 Fresno, CA 93721

9 DATED: July 14, 2009.

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12 DALE A. DROZD  
13 UNITED STATES MAGISTRATE JUDGE

13 DAD:9  
14 quee1775.109