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

ERNESTO B. RODRIGUEZ,

Petitioner,

No. CIV S-09-2106 EFB P

vs.

JAMES WALKER,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner without counsel, seeks a writ of habeas corpus. *See* 28 U.S.C. § 2254. Petitioner seeks leave to proceed *in forma pauperis*. *See* 28 U.S.C. § 1915(a).

Petitioner challenges a conviction in the Merced County Superior Court and so this action should have been commenced in the district court in Fresno. Local Rule 3-120(d). The court will not rule on petitioner’s application leave for to proceed *in forma pauperis*.

Accordingly, it is hereby ordered that:

1. This action is transferred to the district court in Fresno. *See* Local Rule 3-120(f).
2. The Clerk of Court shall assign a new case number;

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3. All future filings shall bear the new case number and shall be filed at:

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

DATED: August 6, 2009.



EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE