IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

VINCENT C. ORTIZ,

Petitioner,

vs.

JAMES YATES

Respondent.

_____/

1:09-cv-1411-YNP-[DLB] (HC)

ORDER TRANSFERRING CASE TO THE SACRAMENTO DIVISION OF THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA

Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

The petitioner is challenging a conviction from Solano County, which is part of the Sacramento Division of the United States District Court for the Eastern District of California. Therefore, the petition should have been filed in the Sacramento Division.

Pursuant to Local Rule 3-120(b), a civil action which has not been commenced in the proper court may, on the court's own motion, be transferred to the proper court. Therefore, this action will be transferred to the Sacramento Division. This court will not rule on petitioner's



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request to proceed in forma pauperis.

Good cause appearing, IT IS HEREBY ORDERED that:

1. This court has not ruled on petitioner'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 Sacramento; and

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

United States District Court
Eastern District of California
501 "I" Street, Suite 4-200
Sacramento, CA 95814

IT IS SO ORDERED.

**Dated: September 8, 2009**

**/s/ Dennis L. Beck**
UNITED STATES MAGISTRATE JUDGE