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

DANIEL PENA,

Petitioner,

No. CIV S-09-2293 GGH P

vs.

LARRY SMALL,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has not filed a request to proceed in forma pauperis or paid the filing fee. In his application, petitioner challenges a conviction issued by the Kern County Superior Court. Kern County is part of the Fresno Division of the United States District Court for the Eastern District of California. 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 division of the court. Therefore, this action will be transferred to the Fresno Division of the court.

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Good cause appearing, IT IS HEREBY ORDERED that:

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

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

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

DATED: August 25, 2009

/s/ Gregory G. Hollows

GREGORY G. HOLLOWES
UNITED STATES MAGISTRATE JUDGE

GGH:kly
pena2293.109