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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FERNANDO DELGADO,
Plaintiff,

NO. 2:09-cv-01932-MCE-KJM

v.

ORDER

BANK OF AMERICA CORP.,
COUNTRYWIDE HOME LOANS,
INC., RECONTRUST COMPANY;
and DOES 1-50,
Defendants.

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The Complaint in this matter is brought on behalf of Plaintiff Fernando Delgado, a resident of Kern County, California. (Compl., ¶ 1). Plaintiff makes various claims with regard to the promissory note and deed of trust on certain real property located in Kern County, California. (Id. at ¶¶ 8-10). Defendants, companies involved in the aforesaid mortgage transactions, are alleged to have been doing business within the County of Kern within all times relevant to Plaintiff's Complaint. (Id. at ¶¶ 2-4).

1 Kern County is part of the Fresno Division of the United
2 States Court for the Eastern District of California. See Local
3 Rule 3-120(b). This action was originally brought in Kern
4 County. On July 15, 2009, Defendants removed the matter to the
5 Sacramento Division¹ of this court, alleging diversity of
6 citizenship pursuant to 28 U.S.C. § 1332(a).

7 Pursuant to Local Rule 3-120(f), any civil action which has
8 not been commenced in the proper court may, on the court's own
9 motion, be transferred to the proper court. The instant case was
10 improperly removed to Sacramento, rather than Fresno. Therefore
11 this action will be transferred to the Fresno Division of the
12 court. All currently pending motions in this matter (Docket Nos.
13 5, 6 and 18) are DENIED, without prejudice to being refiled in
14 Fresno following transfer. Finally, Plaintiff's Ex Parte
15 Application for an Order Shortening Time for the hearing on his
16 Motion to Strike (Docket No. 17) is DENIED as moot.

17 IT IS SO ORDERED.

18 Dated: September 15, 2009

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MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

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28 ¹ While the caption to the Notice of Removal lists the
"Bakersfield Division" of this court, the matter was nonetheless
removed to Sacramento.