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

SHAWN A. STEWART,

Plaintiff,

No. CIV S-09-3104 DAD P

vs.

H.A. RIOS, JR., et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983, together with a request to proceed in forma pauperis. In his complaint, plaintiff alleges violations of his civil rights by defendants. The alleged violations, however, took place in Merced County, which 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. In light of 1996 amendments to 28 U.S.C. § 1915, this court will not rule on plaintiff’s request to proceed in forma pauperis.

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Good cause appearing, IT IS HEREBY ORDERED that:

1. This court has not ruled on plaintiff'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 Fresno; and

3. 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: November 16, 2009.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:md
stew3104.22