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10	UNITED STATES DISTRICT COURT	
11	EASTERN DISTRICT OF CALIFORNIA	
12	JAIME PERALEZ FLORES,) 1:09-CV-2108 OWW-GSA
13	Petitioner,) ORDER VACATING FINDINGS AND
14	V.) RECOMMENDATIONS
15		 ORDER TRANSFERRING CASE TO UNITED STATES DISTRICT COURT
16	ROBERT DASCHOFSKY,) EASTERN DISTRICT OF WASHINGTON
17	Respondent.) (Docs. 2 and 4)
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21	motion to proceed in forma pauperis, however, he did not complete the application form. On	
22	December 10, 2009, this Court issued an order that within forty-five (45) days, Plaintiff shall file a	
23	completed application to proceed in forma pauperis, or in the alternative, pay the \$350.00 filing fee.	
24	The deadline for filing the completed application was January 25, 2010. Plaintiff did not timely	
25	comply with the Court's order. On February 2, 2010, this Court issued Findings and	
26	Recommendations that the Plaintiff's case be dismissed for failure to comply with the Court's order.	
27	On February 23, 2010, Plaintiff filed an appl	ication to proceed in forma pauperis.
28	The submission of Plaintiff's new in forma pauperis application suggests that Plaintiff wishes	
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1	to continue to prosecute this action. Therefore, the Court vacates the Findings and	
2	Recommendations that were issued on February 2, 2010. A review of the Plaintiff's complaint	
3	however indicates that the sole Defendant in this case is Mr. Robert Daschofsky, a Sergeant with the	
4	Walla Walla Sheriff's Office in Walla Walla, Washington. Plaintiff's complaint relates to his arrest	
5	by the Department of Homeland Security that occurred in Walla Walla, Washington. Therefore, the	
6	Court is transferring this action to the United States District Court, Eastern District of Washington,	
7	because the only named defendant resides in that district and the events giving rise to the claim	
8	occurred in Walla Walla, Washington. See, 28 U.S.C. § 1391(a)(2). The court is also transferring	
9	this action to the Eastern District of Washington pursuant to Title 28 United States Code Section	
10	1404(a) in the interests of justice.	
11	Good cause appearing, IT IS HEREBY ORDERED that this matter is TRANSFERRED to	
12	the United States District Court, Eastern District of Washington.	
13	IT IS SO ORDERED.	
14	Dated: <u>March 2, 2010</u> /s/ Gary S. Austin UNITED STATES MAGISTRATE JUDGE	
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