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

SHANNON L. McGUIRE,

Plaintiff,

No. CIV S-09-3545 DAD P

vs.

A. SCHWARZENEGGER, 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 light of 1996 amendments to 28 U.S.C. § 1915, this court will not rule on plaintiff's request.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

Here, plaintiff has not submitted a civil rights form complaint. However, his allegations appear to relate to events that allegedly took place at Pleasant Valley State Prison.

1 Pleasant Valley State Prison is located in Fresno County, which is part of the Fresno Division of
2 the United States District Court for the Eastern District of California. See Local Rule 120(d).

3 Pursuant to Local Rule 120(f), a civil action which has not been commenced in
4 the proper division of a court may, on the court's own motion, be transferred to the proper
5 division of the court. Therefore, this action will be transferred to the Fresno Division of the
6 court.

7 Good cause appearing, IT IS HEREBY ORDERED that:

- 8 1. This court has not ruled on plaintiff's request to proceed in forma pauperis;
- 9 2. This action is transferred to the United States District Court for the Eastern
10 District of California sitting in Fresno; and
- 11 3. All future filings shall reference the new Fresno case number assigned and
12 shall be filed at:

13 United States District Court
14 Eastern District of California
15 2500 Tulare Street
16 Fresno, CA 93721

16 DATED: December 30, 2009.

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19 _____
20 DALE A. DROZD
21 UNITED STATES MAGISTRATE JUDGE

19 DAD:9:mp
20 mcgu3545.21