

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

HORACE BELL,

Petitioner,

No. CIV S-10-976 KJM P

vs.

DIRECTOR OF CDCR, et al.,

Respondents.

ORDER

\_\_\_\_\_/

Petitioner, a state prisoner proceeding pro se, has filed an action using the form for a habeas corpus petition by a state inmate. He has not paid the filing fee or submitted a request to proceed in forma pauperis. However, petitioner is not alleging that he is being held in custody in violation of the Constitution or laws of the United States, a prerequisite for federal habeas corpus relief. See Estelle v. McGuire, 502 U.S. 62, 67-68 (1991). Nor does he allege he has exhausted state remedies by presenting any claim of constitutional error to the state’s highest court, another prerequisite for federal habeas corpus relief. Picard v. Connor, 404 U.S. 270, 276 (1971).

It appears that petitioner is raising challenges to the conditions of his custody, which are properly brought in a civil rights action under 42 U.S.C. § 1983. It also appears that the actions of which he complains occurred at Kern Valley State Prison in Kern County, which is

1 part of the Fresno Division of the United States District Court for the Eastern District of  
2 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 action is transferred to the United States District Court for the Eastern  
9 District of California sitting in Fresno; and

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

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

15 DATED: April 30, 2010.

16   
17 U.S. MAGISTRATE JUDGE

18  
19 <sup>2</sup>  
bell0976.22