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

JEROME A. PORTER-BEY,

Plaintiff,

No. 2:10-cv-01089 KJN P

vs.

J. CUIFO,

Defendant.

ORDER

_____ /

Plaintiff, a federal prisoner proceeding without counsel, has filed a civil rights action pursuant to 28 U.S.C. § 1331, together with a motion to proceed in forma pauperis. The alleged violation of civil rights took place at the United States Penitentiary in Atwater, Merced County, California.

Merced County is part of the Fresno Division of the United States District Court for the Eastern District of California. See Local Rule 120(d). This action should therefore have been commenced in the Fresno, rather than the Sacramento, Division of the United States District Court for the Eastern District of California. Pursuant to Local Rule 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. This action will therefore be transferred to the Fresno Division. This court has not ruled on plaintiff’s request to proceed in forma pauperis.

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Accordingly, good cause appearing, IT IS HEREBY ORDERED that:

1. This action is transferred to the Fresno Division of the United States District Court for the Eastern District of California; and

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

United States District Court
Eastern District of California
2500 Tulare Street
Fresno, CA 93721

DATED: May 11, 2010


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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