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

WILLIAM JAMES BRAINARD,

Plaintiff,

No. CIV S-10-1453 FCD DAD PS

vs.

BRYAN WILLMON, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff, an individual proceeding pro se, has filed a civil action arising from a property dispute. The case has been referred to the undersigned pursuant to Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1).

Plaintiff's allegations and exhibits reveal that the property at issue is located in Tuolumne County. Plaintiff and two of the defendants appear to reside in Tuolumne County, and the third defendant appears to reside in Modesto, which is located in Stanislaus County.

Plaintiff is advised that the United States District Court for the Eastern District of California sits in Fresno as well as Sacramento. Intra-district venue is governed by Local Rule 120, which provides as follows:

**(d) Commencement of actions.** All civil and criminal actions and proceedings of every nature and kind cognizable by the United States District Court for the Eastern District of California arising in

1 Calaveras, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced,  
2 Stanislaus, Tulare and Tuolumne counties shall be commenced in  
the United States District Court sitting in Fresno, California . . . .

3 Local Rule 120(d) (emphasis added).

4 In the present case, the property at issue is located in Tuolumne County. Thus,  
5 this action arose in Tuolumne County and should have been commenced in the Fresno Division  
6 of the court. When an action has not been filed in the proper division of this court, the court  
7 may, on its own motion, transfer the action to another venue within the district. See Local Rule  
8 120(f). The undersigned will therefore transfer this action to the Fresno Division of the court for  
9 all further proceedings.

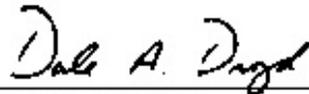
10 Good cause appearing, IT IS HEREBY ORDERED that:

11 1. This action is transferred to the United States District Court for the Eastern  
12 District of California sitting in Fresno; and

13 2. All future filings shall reference the new Fresno case number to be assigned  
14 and shall be filed only at:

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

18 DATED: June 17, 2010.

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DALE A. DROZD  
22 UNITED STATES MAGISTRATE JUDGE

23 DAD:kw  
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