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

10 LUCY ROBINSON,

11 Plaintiff,

No. CIV S-10-2606 FCD EFB PS

12 vs.

13 BANK OF AMERICA, N.A.,

ORDER

14 Defendant.
15 _____/

16 This case, in which plaintiff is proceeding *pro se*, is before the undersigned pursuant to
17 Eastern District of California Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1). On September
18 24, 2010, defendant Bank of America, N.A. removed the action to this court from Tulare County
19 Superior Court. Dckt. No. 1. Then, on October 1, 2010, defendant moved to dismiss and to
20 strike plaintiff's complaint. Dckt. Nos. 6, 8.

21 On November 10, 2010, plaintiff filed a motion to change venue, requesting that this
22 action be transferred to the Fresno Division of this court. Dckt. No. 9. Upon review of the
23 action, it appears that this case was removed from Tulare County and that the property at issue is
24 located in Tulare County. Therefore, the case should have been commenced in the Fresno
25 Division pursuant to Eastern District of California Local Rule 120(d), and will be transferred to
26 the Fresno Division pursuant to Local Rule 120(f). L.R. 120(d) ("All civil and criminal actions

1 and proceedings of every nature and kind cognizable in the United States District Court for the
2 Eastern District of California arising in . . . Tulare [County] shall be commenced in the United
3 States District Court sitting in Fresno, California”); L.R. 120(f) (“Whenever in any action
4 the Court finds upon its own motion, motion of any party, or stipulation that the action has not
5 been commenced in the proper court in accordance with this Rule, or for other good cause, the
6 Court may transfer the action to another venue within the District.”).

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff’s motion to change venue, Dckt. No. 9, is granted.
- 9 2. This action is transferred to the Fresno Division.
- 10 3. The Clerk of Court shall assign a new case number.
- 11 4. Defendant’s motion to dismiss and to strike plaintiff’s complaint, Dckt. No. 6, is
12 denied without prejudice to re-filing in the Fresno action.
- 13 5. All dates currently set in this action are vacated.
- 14 6. All future filings shall bear the new case number and shall be filed at:

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

18 DATED: November 16, 2010.

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20 EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE