

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

LUCY ROBINSON,

Plaintiff,

No. CIV S-10-2606 FCD EFB PS

VS.

BANK OF AMERICA, N.A.,

ORDER

Defendant.

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

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

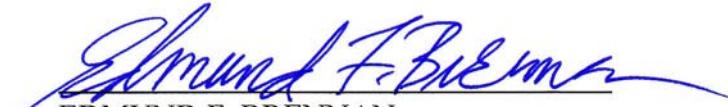
1 and proceedings of every nature and kind cognizable in the United States District Court for the
2 Eastern District of California arising in . . . Tulare [County] shall be commenced in the United
3 States District Court sitting in Fresno, California . . ."); L.R. 120(f) ("Whenever in any action
4 the 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
17 2500 Tulare Street
18 Fresno, CA 93721

19 DATED: November 16, 2010.



20 EDMUND F. BRENNAN
21 UNITED STATES MAGISTRATE JUDGE