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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ROBERT P. SMITH, III,

CASE NO. 1:11-cv-317-LJO-MJS (PC)

Plaintiff,

ORDER DENYING REQUEST FOR  
REINSTATEMENT OF PREVIOUSLY  
TRANSFERRED CASE

v.

STATE OF CALIFORNIA, et al.,

(ECF No. 11)

Defendants.

\_\_\_\_\_ /

Plaintiff Robert P. Smith, III ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Plaintiff initiated this action in the Northern District of California on July 6, 2010. (ECF No. 1.) On February 23, 2011, the Northern District ordered that the case transferred here because most of the events at issue in this case occurred in the Eastern District and most of the Defendants reside in the Eastern District. (ECF No. 3.) On April 12, 2011, Plaintiff filed a motion requesting that this action be re-transferred to the Northern District. (ECF No. 9.) The Court granted Plaintiff's motion and the case was re-transferred to the Northern District. (ECF No. 10.) This action is currently proceeding in the Northern District.

1 On September 12, 2011, Plaintiff filed a motion requesting that the case be  
2 reinstated in the Eastern District. (Mot., ECF No. 11.) Plaintiff makes this request because  
3 the Northern District dismissed those of his claims which arose in the Eastern District and  
4 those Defendants who reside in the Eastern District. (Id. at 9.) The Northern District  
5 allowed Plaintiff to proceed there only on that portion of his action with ties to the Northern  
6 District. (Id.) It dismissed the claims and Defendants without prejudice and gave Plaintiff  
7 leave to assert them in a separate suit in the Eastern District. (Id.)

9 This Court can not act on Plaintiff's motion. This Court has no jurisdiction over the  
10 case pending in the Northern District or the actions taken by that Court. The proper  
11 procedure for Plaintiff to pursue those dismissed claims and parties is to initiate a new  
12 action asserting them in the Eastern District.

14 Accordingly, Plaintiff's Motion for Reinstatement (ECF No. 11) is DENIED. Plaintiff  
15 may file a new suit in the Eastern District with the claims and parties dismissed by the  
16 Northern District.

18 IT IS SO ORDERED.

20 Dated: March 20, 2012

1st Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE