

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

DAVID McGUIRE,

Petitioner, No. 2:11-cv-0412 KJN F

VS.

M. MARTEL, Warden,

**Respondent.** **ORDER**

16 Petitioner, a state prisoner proceeding without counsel, has filed an application<sup>1</sup>  
17 for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in  
18 forma pauperis. In his application, petitioner challenges a conviction issued by the Kern County  
19 Superior Court. Kern County is part of the Fresno Division of the United States District Court  
20 for the Eastern District of California. See Local Rule 120(d).

21 Pursuant to Local Rule 120(f), a civil action which has not been commenced in  
22 the proper division of a court may, on the court's own motion, be transferred to the proper  
23 division of the court. Therefore, this action will be transferred to the Fresno Division of the  
24 court. This court will not rule on petitioner's request to proceed in forma pauperis.

<sup>1</sup> It also appears petitioner has failed to sign the application (dkt. no. 1 at 6, 115), as well as the motion to proceed in forma pauperis (dkt. no. 2).

1 Good cause appearing, IT IS HEREBY ORDERED that:

2 1. This court has not ruled on petitioner's request to proceed in forma pauperis;

3 2. This action is transferred to the United States District Court for the Eastern

4 District of California sitting in Fresno; and

5 3. All future filings shall reference the new Fresno case number assigned and

6 shall be filed at:

7 United States District Court  
8 Eastern District of California  
9 2500 Tulare Street  
Fresno, CA 93721

10 DATED: February 24, 2011

11   
12 KENDALL J. NEWMAN  
13 UNITED STATES MAGISTRATE JUDGE

14 mcgu0412.109