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

ELWOOD DUANE HAYES,

1:11-cv-00671-JLT (HC)

Petitioner,

ORDER TRANSFERRING CASE TO THE
SACRAMENTO DIVISION OF THE
UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF CALIFORNIA

vs.

CALIFORNIA SUPREME COURT, et al.,

Respondents.

_____ /

Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28 U.S.C. § 2254.¹

Petitioner seeks an order from this Court requiring the state court to rule on a separate writ Petitioner has filed in his direct appeal from his criminal conviction presently pending in the California Court of Appeal, Third Appellate District. In that direct appeal, Petitioner is challenging a conviction from Sacramento County Superior Court, which is part of the Sacramento Division of the United States District Court for the Eastern District of California. Accordingly, this petition should have been filed in the Sacramento Division.

¹ Although the original document was captioned as a petition for writ of mandamus, the Court has construed it as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

1 Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper
2 court may, on the Court's own motion, be transferred to the proper court. Therefore, this action
3 will be transferred to the Sacramento Division. This court will not rule on any other pending
4 motions in this case.

5 Good cause appearing, IT IS HEREBY ORDERED that:

6 1. This action is transferred to the United States District Court for the Eastern District of
7 California sitting in Sacramento; and

8 2. All future filings shall reference the new Sacramento case number assigned and shall
9 be filed at:

10 United States District Court
11 Eastern District of California
12 501 "I" Street, Suite 4-200
Sacramento, CA 95814

13 IT IS SO ORDERED.

14 Dated: May 20, 2011

/s/ **Jennifer L. Thurston**
UNITED STATES MAGISTRATE JUDGE