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

WILLIAM JAMES BRAINARD,

Plaintiff,

No. CIV S-11-0850 MCE DAD PS

vs.

ELEANOR PROVOST, et al.,

Defendants.

ORDER

_____ /

Plaintiff, an individual proceeding pro se, has filed a civil rights action alleging deprivation of his rights under the Seventh and Fourteenth Amendments by persons acting under color of law. The case has been referred to the undersigned pursuant to Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1).

Plaintiff alleges that all of the defendants in this action are residents of Tuolumne County. In addition, plaintiff's allegations and attachments to the complaint reveal that the alleged deprivation of rights arose in connection with plaintiff's eviction from and the sale of property located in Tuolumne County.

By order filed June 23, 2010 in Brainard v. Willmon, et al., No. CIV S-10-1453 FCD DAD PS, the undersigned previously advised plaintiff Brainard that the United States

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1 District Court for the Eastern District of California sits in Fresno as well as in Sacramento. Intra-
2 district venue is governed by Local Rule 120, which provides as follows:

3 **(d) Commencement of actions.** All civil and criminal actions
4 and proceedings of every nature and kind cognizable by the United
5 States District Court for the Eastern District of California arising in
6 Calaveras, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced,
7 Stanislaus, Tulare and Tuolumne counties shall be commenced in
8 the United States District Court sitting in Fresno, California

9 Local Rule 120(d) (emphasis added).

10 In the present case, the defendants reside and the events at issue occurred in
11 Tuolumne County. Thus, this action arose in Tuolumne County and should have been
12 commenced in the Fresno Division of the court. When an action has not been filed in the proper
13 division of this court, the court may, on its own motion, transfer the action to another venue
14 within the district. See Local Rule 120(f). The undersigned will therefore transfer this action to
15 the Fresno Division of the court for all further proceedings.

16 Good cause appearing, IT IS HEREBY ORDERED that:

17 1. This action is transferred to the United States District Court for the Eastern
18 District of California sitting in Fresno for all further proceedings; and

19 2. All future filings shall reference the new Fresno case number to be assigned
20 and shall be filed only at:

21 United States District Court
22 Eastern District of California
23 2500 Tulare Street
24 Fresno, CA 93721

25 DATED: May 6, 2011.

26 

DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:kw
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