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

WILSON GORRELL,

 Plaintiff,

v.

THOMAS C. SNEATH, et al.,

 Defendants.

Case No.: 1:12-cv-00554-AWI-JLT

ORDER CLASSIFYING CASE AS A CIVIL
ACTION

Plaintiff Wilson Gorell (“Plaintiff”) is an inmate currently incarcerated at the Federal Satellite Low prison in Jesup, Georgia. (Doc. 3). On March 9, 2012, Plaintiff filed a diversity action pursuant to 42 U.S.C. §1331 in propria persona against a California domiciled company, National Toxicology Laboratories, Inc. (“NTL”) and two of its employees (collectively referred to as “NTL Defendants”). Plaintiff’s complaint alleges several torts including negligent infliction of emotional distress, breach of contract, breach of fiduciary duty, and personal injury.

On April 10, 2012, Plaintiff’s lawsuit against the NTL defendants was transferred from the United States District Court for the South District of Georgia, Brunswick Division, to the United States District Court for the Eastern District of California. (Doc. 3). The case was originally designated as a prisoner case brought pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). Upon further review of the case, no

1 such allegations are alleged against the NTL Defendants here. Additionally, Plaintiff continues to
2 maintain his Bivens action and Habeas case in Georgia. Thus, this case it is not properly
3 classified as a prisoner's civil rights action under Bivens. Instead, it is a civil action subject to
4 Local Rule 301 and Fed. R. Civ. P. 73.

5 Accordingly, it is HEREBY ORDERED that:

- 6 1. The Clerk of the Court is DIRECTED to reclassify this matter as a civil action.
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9 IT IS SO ORDERED.

10 Dated: April 26, 2012

11 /s/ Jennifer L. Thurston
12 UNITED STATES MAGISTRATE JUDGE
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