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

CIXTO CRUIZ MURILLO,

Petitioner,

No. 2:12-cv-1028 JFM (HC)

vs.

THE FIFTH APPELLATE DISTRICT

Respondents.

ORDER

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding pro se, has filed a pleading that appears to be either an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, or a petition for writ of certiorari to the United States Supreme Court. Petitioner has also filed a request to proceed in forma pauperis. In the pleading, petitioner challenges a conviction issued by the Tulare County Superior Court.<sup>1</sup> Tulare County is part of the Fresno Division of the United States District Court for the Eastern District of California. See Local Rule 120(d).

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<sup>1</sup> Although petitioner does not specifically identify his district of conviction, he does provide a case number and refers in the pleading to the “Fifth Appellate Court” in Fresno, California. A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir. 1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980). The court takes judicial notice of the docket in the California Court of Appeal for the Fifth Appellate district of Case No. VHC-248140; the trial court for that case number is identified as the Tulare County Superior Court.

1 Pursuant to Local Rule 120(f), a civil action which has not been commenced in  
2 the proper division of a court may, on the court's own motion, be transferred to the proper  
3 division of the court. Good cause appearing, this action will be transferred to the Fresno  
4 Division of the court. This court will not rule on petitioner's request to proceed in forma  
5 pauperis.

6 In accordance with the above, IT IS HEREBY ORDERED that:

- 7 1. This court has not ruled on petitioner's request to proceed in forma pauperis;
- 8 2. This action is transferred to the United States District Court for the Eastern  
9 District of California sitting in Fresno; and
- 10 3. All future filings shall reference the new Fresno case number assigned and  
11 shall be filed at:

12 United States District Court  
13 Eastern District of California  
14 2500 Tulare Street  
15 Fresno, CA 93721

16 DATED: April 24, 2012.

17   
18 UNITED STATES MAGISTRATE JUDGE

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20 muri1028.109