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

CARLOS FOSTER,

1:12-cv-00855-MJS (HC)

Petitioner,

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

v.

TIM VIRGA

Respondent.

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

The petitioner is challenging a conviction from Sacramento County, which is part of the Sacramento Division of the United States District Court for the Eastern District of California. Therefore, the petition should have been filed in the Sacramento Division.

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

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 Sacramento; and

5 3. All future filings shall reference the new Sacramento case number assigned and  
6 shall be filed at:

7 United States District Court  
8 Eastern District of California  
9 501 "I" Street, Suite 4-200  
10 Sacramento, CA 95814

11 IT IS SO ORDERED.

12 Dated: May 30, 2012

13 */s/ Michael J. Seng*  
14 UNITED STATES MAGISTRATE JUDGE  
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