1	
2	
3	
4	
5	
6	
7	
8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	JOEL HOLLEY,
11	Plaintiff, No. 2:12-cv-1213 KJN P
12	VS.
13	M. SCOTT, CSR, et al., <u>ORDER</u>
14	Defendants.
15	/
16	Plaintiff, a state prisoner proceeding without counsel, has filed a civil rights action
17	pursuant to 42 U.S.C. § 1983, together with a request to proceed in forma pauperis. In his
18	complaint, plaintiff alleges violations of his civil rights by defendants. While plaintiff alleges
19	one claim as to defendant Scott, ¹ who is employed at the California State Prison in Solano,
20	plaintiff alleges multiple claims as to the five other defendants, all of whom are employed at the
21	Pleasant Valley State Prison ("PVSP"), concerning alleged violations that took place at PVSP.
22	PVSP is located in Fresno County, which is part of the Fresno Division of the United States
23	District Court for the Eastern District of California. See Local Rule 120(d).
24	Disintiff allower de fan dant Seatt immer als en de med als intiff fan twerefan (* DMCD
25	¹ Plaintiff alleges defendant Scott improperly endorsed plaintiff for transfer to PVSP on February 24, 2011 (Dkt, No. 1 at 8) Plaintiff was not transferred to PVSP until April 6, 2011

<sup>February 24, 2011. (Dkt. No. 1 at 8.) Plaintiff was not transferred to PVSP until April 6, 2011.
(Dkt. No. 1 at 8, 11.) It appears plaintiff may not have exhausted his administrative remedies as to his claim against defendant Scott. (See Dkt. No. 1 at 50-55.)</sup>

1	The federal venue statute provides that a civil action "may be brought in (1) a
2	judicial district in which any defendant resides, if all defendants are residents of the State in
3	which the district is located, (2) a judicial district in which a substantial part of the events or
4	omissions giving rise to the claim occurred, or a substantial part of property that is the subject of
5	the action is situated, or (3) if there is no district in which an action may otherwise be brought as
6	provided in this action, any judicial district in which any defendant is subject to the court's
7	personal jurisdiction with respect to such action." 28 U.S.C. § 1391(b).
8	Pursuant to Local Rule 120(f), a civil action which has not been commenced in
9	the proper division of a court may, on the court's own motion, be transferred to the proper
10	division of the court. Therefore, this action will be transferred to the Fresno Division of the
11	court. In light of 1996 amendments to 28 U.S.C. § 1915, this court will not rule on plaintiff's
12	request to proceed in forma pauperis.
13	Good cause appearing, IT IS HEREBY ORDERED that:
14	1. This court has not ruled on plaintiff's request to proceed in forma pauperis;
15	2. This action is transferred to the United States District Court for the Eastern
16	District of California sitting in Fresno; and
17	3. All future filings shall reference the new Fresno case number assigned and
18	shall be filed at:
19	United States District Court
20	Eastern District of California 2500 Tulare Street Erectra CA 02721
21	Fresno, CA 93721
22	DATED: July 3, 2012
23	Fordall D. Newman
24	KENDALL J. NEWMAN UNITED STATES MAGISTRATE JUDGE
25	holl1213.22
26	
	2

I

I