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

CURLEY JOHN BROUSSARD, JR.,)
)
Plaintiff,)
)
v.)
)
JEFFREY BEARD, et al.,)
)
Defendants.)
_____)

No. C 13-2717 LHK (PR)
ORDER GRANTING MOTION
FOR RECONSIDERATION;
ORDER TO RE-OPEN; ORDER
OF TRANSFER

On June 13, 2013, plaintiff, a California state prisoner proceeding *pro se*, filed a letter, which initiated this action and was construed as a civil rights complaint pursuant to 42 U.S.C. § 1983. That same day, the court notified plaintiff that he was required to file a complaint as well as the filing fee or a completed application for leave to proceed in forma pauperis (“IFP”). On July 12, 2013, plaintiff filed a complaint. On July 26, 2013, having received no filing fee or application to proceed IFP, the court dismissed this action without prejudice.

On August 7, 2013, plaintiff filed a motion for leave to proceed IFP. On August 12, 2013, plaintiff filed a motion for reconsideration of the court’s order of dismissal. Although the motion for reconsideration is difficult to understand, plaintiff ultimately – albeit untimely – filed a complete motion for leave to proceed IFP. Thus, the court GRANTS plaintiff’s motion for reconsideration and RE-OPENS this action.

However, a review of plaintiff’s complaint reveals that at least one of the acts of which plaintiff complains occurred at Corcoran State Prison, and one of the named defendants is

1 employed at Corcoran State Prison.¹ Corcoran State Prison is located in the Eastern District of
2 California. Therefore, venue properly lies in the Eastern District. *See* 28 U.S.C. § 1391(b).
3 Accordingly, this case is TRANSFERRED to the United States District Court for the Eastern
4 District of California. *See* 28 U.S.C. § 1406(a). The Clerk shall terminate all pending motions
5 and transfer the entire file to the Eastern District of California.

6 IT IS SO ORDERED.

7 DATED: 9/25/13



LUCY H. KOH
United States District Judge

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28 ¹ Plaintiff also names as defendants federal magistrate and district court judges from the
Eastern District of California and the Central District of California.