

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 DAVID S. HERNANDEZ,

12 Plaintiff,

13 v.

14 STANISLAUS COUNTY, et al.,

15 Defendants.
16

No. 2:14-cv-2704-GEB-KJN PS

ORDER

17 On November 18, 2014, plaintiff, who proceeds without counsel and is a resident of
18 Stanislaus County, filed this action alleging federal civil rights and other violations against
19 defendants, who are also alleged to be residents of Stanislaus County. (ECF No. 1.) Pursuant to
20 Local Rule 120(d), “[a]ll civil and criminal actions and proceedings of every nature and kind
21 cognizable in the United States District Court for the Eastern District of California arising in
22 Calaveras, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Stanislaus, Tulare, and
23 Tuolomne counties shall be commenced in the United States District Court sitting in Fresno,
24 California....” After a review of plaintiff’s complaint, the court concludes that this action arises
25 in Stanislaus County, because the plaintiff and defendants are residents of Stanislaus County, and
26 the underlying events allegedly occurred in Stanislaus County. In light of plaintiff’s *pro se* status,
27 filing in the Sacramento division of the Eastern District of California was likely an inadvertent
28 mistake. As such, the court directs that the action be transferred to the Fresno division. See E.D.

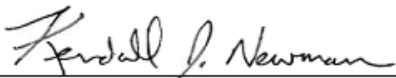
1 Cal. L.R. 120(f) (“Whenever in any action the Court finds upon its own motion...that the action
2 has not been commenced in the proper court in accordance with this Rule, or for other good
3 cause, the Court may transfer the action to another venue within the District”).

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The Clerk of Court shall TRANSFER the action, including the pending motion to
6 proceed *in forma pauperis* (ECF No. 2) to the Fresno division.
- 7 2. The Clerk of Court shall vacate all dates and close the Sacramento division case.

8 IT IS SO ORDERED.

9 Dated: November 21, 2014

10 
11 KENDALL J. NEWMAN
12 UNITED STATES MAGISTRATE JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28