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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BERNARD CLARK,
Plaintiff,
v.
CAPITAL INCOME AND GROWTH
FUND, LLC, et al.,
Defendants.

No. 2:15-cv-1171 KJM DAD PS

ORDER

Plaintiff, Bernard Clark, is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). Plaintiff has filed a complaint and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

The allegations of plaintiff's complaint reveal that the events at issue took place in Tuolumne County. The United States District Court for the Eastern District of California sits in Fresno as well as in Sacramento. Intra-district venue is governed by Local Rule 120(d), which provides as follows:

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Commencement of actions. All civil and criminal actions and proceedings of every nature and kind cognizable by the United States District Court for the Eastern District of California arising in Calaveras, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Stanislaus, Tulare and Tuolumne counties shall be commenced in the United States District Court sitting in Fresno, California

In the present case, the events at issue occurred in Tuolumne County and, therefore, this action should have been commenced in the Fresno Division of the court. When an action has not been filed in the proper division of this court, the court may, on its own motion, transfer the action to another venue within the district. See Local Rule 120(f). The undersigned will therefore order this action transferred to the Fresno Division of the court for all further proceedings.

Good cause appearing, IT IS HEREBY ORDERED that:

1. This action is transferred to the United States District Court for the Eastern District of California sitting in Fresno for all further proceedings; and

2. All future filings shall reference the new Fresno case number to be assigned and shall be filed only at:

United States District Court
Eastern District of California
2500 Tulare Street
Fresno, CA 93721

Dated: September 28, 2015



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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