

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRUCE BROWN,
Plaintiff,
v.
JOHNSON & JOHNSON,
Defendant.

No. 2:17-cv-01900-MCE-KJN

ORDER

On September 12, 2017, defendant Johnson and Johnson removed this case from Sacramento Superior Court to the United States District Court for the Eastern District of California. (ECF No. 1.) For the reasons discussed below, the court concludes that the case was erroneously removed to the Sacramento division of the Eastern District of California, and therefore transfers the action to the Fresno division.

The court’s Local Rules provide that “[a]ll civil and criminal actions and proceedings of every nature and kind cognizable in 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....” E.D. Cal. L.R. 120(d). “Whenever in any action the Court finds upon its own motion, motion of any party, or stipulation that the action has not been

1 commenced in the proper court in accordance with this Rule, or for other good cause, the Court
2 may transfer the action to another venue within the District.” E.D. Cal. L.R. 120(f).


3 In this case, pro se plaintiff Bruce Brown resides in Corcoran, California, which is located
4 in Kings County and falls in the Fresno division of this district. There is no indication in the
5 complaint that the actions alleged to have been committed by Johnson and Johnson somehow
6 occurred in the Sacramento division. Instead, it appears that the action arises from plaintiff’s use
7 of Johnson and Johnson’s products in Kings County in the Fresno division of this district.
8 Further, it appears that plaintiff, as a pro se litigant, merely inadvertently filed the case in
9 Sacramento Superior Court, causing the case to be assigned to the Sacramento division of the
10 Eastern District of California when defendant removed to federal court.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The action, is TRANSFERRED to the Fresno division of this district pursuant to Local
13 Rule 120(f).
- 14 2. Any dates before the undersigned are vacated.

15 IT IS SO ORDERED.

16 Dated: September 26, 2017

17 
18 _____
19 KENDALL J. NEWMAN
20 UNITED STATES MAGISTRATE JUDGE

21 14/ps.17-1900.order transferring to fresno
22
23
24
25
26
27
28