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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSH EVANS,  
Plaintiff,  
v.  
AQSEPTENCE GROUP, et al.,  
Defendants.

No. 2:17-mc-0059-WBS-KJN PS

ORDER

Plaintiff Josh Evans, proceeding without counsel, commenced this miscellaneous action on April 12, 2017, in the Sacramento division of this district. (ECF No. 1.) It is unclear exactly what the nature of this miscellaneous action is. As far as the court can tell, plaintiff Josh Evans, purportedly acting as a sworn public official representing the State of California, commenced this action to file a “memorandum of adjudicatory determination” as to some type of dispute between a claimant named Timothy James Myers and defendant debtors Aqseptence Group, Mike Mehmert, and Cambria Breitreutz.

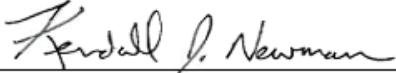
As an initial matter, the court has significant concerns regarding whether plaintiff has standing to bring this action and whether the court has subject matter jurisdiction over the action. However, the memorandum alleges that both plaintiff Josh Evans and the underlying claimant, Timothy Myers, are residents of Bakersfield, California in Kern County. In turn, the defendants

1 are either residents of Bakersfield, California; Minnesota; or Colorado. Thus, the action, if it can  
2 be properly brought in federal court, should have been commenced in the Fresno division of this  
3 district. See E.D. Cal. L.R. 120(d). As such, transfer of the action to the Fresno division is  
4 appropriate. E.D. Cal. L.R. 120(f). This court leaves it to the court in the Fresno division to  
5 make any further determinations it deems necessary concerning the potential issues with standing  
6 and subject matter jurisdiction.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. This action is TRANSFERRED to the Fresno division of this district.
- 9 2. The Clerk of Court shall close this case in the Sacramento division.

10 Dated: April 18, 2017

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13 KENDALL J. NEWMAN  
14 UNITED STATES MAGISTRATE JUDGE  
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