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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LARRY ALTAMIRANO SERMENO,

Plaintiff,

v.

KIMBERLY FLENER,

Defendant.

Case No. 1:18-cv-00542-LJO-SAB

ORDER TRANSFERRING CASE TO THE
SACRAMENTO DIVISION OF THE
EASTERN DISTRICT OF CALIFORNIA

On April 23, 2018, Plaintiff Larry Altamirano Sermeno, a state prisoner proceeding pro se, filed a civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 1.) Plaintiff has also filed an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (ECF No. 2.)

In his complaint, Plaintiff alleges that Defendant is the Clerk of the Butte County Superior Court. He alleges that Defendant violated his due process rights by requiring subordinate clerks to rely solely on the charging documents and not the plea deal or oral pronouncement to record the judgment on the abstract of judgment. He alleges that the subordinate clerk in his case followed this policy and marked a box limiting his ability to earn credits. The alleged violations took place in Butte County.

Therefore, intradistrict venue lies in the Sacramento Division of the Eastern District of California. L.R. 120(d). Local Rule 120(f) provides that a civil action which has not been commenced in the proper court may, on the court's own motion, be transferred to the proper

1 court. Therefore, this action will be transferred to the Sacramento Division. This court will not
2 rule on Plaintiff's pending application to proceed in forma pauperis.

3 Good cause appearing, IT IS HEREBY ORDERED that:

- 4 1. This action is transferred to the United States District Court for the Eastern
5 District of California sitting in Sacramento;
- 6 2. This court has not ruled on Plaintiff's request to proceed in forma pauperis; and
- 7 3. All future filings shall refer to the new Sacramento case number assigned and
8 shall be filed at:

9 United States District Court
10 Eastern District of California
11 501 "I" Street, Suite 4-200
Sacramento, CA 95814

12 IT IS SO ORDERED.

13 Dated: April 25, 2018

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16 UNITED STATES MAGISTRATE JUDGE
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