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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SUSAN MARIE SHULTZ,
Plaintiff,
v.
KERN COUNTY, et al,
Defendants.

No. 2:22-cv-00397 KJM AC (PS)

ORDER

Plaintiff is proceeding in this action pro se. This matter was accordingly referred to the undersigned by E.D. Cal. 302(c)(21). Plaintiff filed a request for leave to proceed in forma pauperis (“IFP”), and has submitted the affidavit required by that statute. See 28 U.S.C. § 1915(a)(1). The undersigned granted the motion to proceed IFP, but rejected plaintiff’s initial complaint on screening and invited her to file an amended complaint. ECF No. 3. Plaintiff failed to file a timely amended complaint and failed to respond to a subsequent order to show cause, and so the undersigned recommended that the case be dismissed for failure to prosecute. ECF No. 5. On May 23, 2022, plaintiff belatedly filed a first amended complaint (ECF No. 6) and a second motion to proceed IFP (ECF No. 7). Considering plaintiff’s pro se status, the court will WITHDRAW the findings and recommendations to dismiss for failure to prosecute (ECF No. 5).

It has also come to the court’s attention that this case has been filed in the incorrect division of the Eastern District of California. In her complaint, plaintiff alleges violations of her

1 civil rights by defendants. The alleged violations took place in Kern County and all defendants
2 are located in Kern County, which is part of the Fresno Division of the United States District
3 Court for the Eastern District of California. See Local Rule 120(d). Pursuant to Local Rule
4 120(f), a civil action which has not been commenced in the proper division of a court may, on the
5 court's own motion, be transferred to the proper division of the court. Therefore, this action will
6 be transferred to the Fresno Division of the court.

7 Good cause appearing, IT IS HEREBY ORDERED that:

- 8 1. The Findings and Recommendations at ECF No. 5 are WITHDRAWN;
- 9 2. This action is transferred to the United States District Court for the Eastern District of
10 California sitting in Fresno; and
- 11 3. All future filings shall reference the new Fresno case number assigned and shall be
12 filed at:

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

15 DATED: May 31, 2022

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17 ALLISON CLAIRE
18 UNITED STATES MAGISTRATE JUDGE
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