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8                                  UNITED STATES DISTRICT COURT

9                          FOR THE EASTERN DISTRICT OF CALIFORNIA

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11    WILLIAM JAMES GRADFORD JR.,                Case No.  1:24-cv-000714-KES-HBK (PC)

12                    Plaintiff,                 ORDER TRANSFERRING CASE TO
                                                 SACRAMENTO DIVISION OF THE
13         v.                                    EASTERN DISTRICT OF CALIFORNIA
                                                 AND CLOSING CASE IN FRESNO
14    A. PEREZ, WARDEN, and UNITED               DIVISION
      STATES,
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                      Defendants.
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19          Plaintiff, a prisoner, initiated this pro se action by filing a civil rights complaint under 42

20    U.S.C. § 1983 and subsequently filing an application to proceed *in forma pauperis* on July 24,

21    2024.  (Doc. Nos. 1, 3).  Because the events giving rise to the cause of action occurred in Ceres,

22    CA, which is in Stanislaus County, Plaintiff should have filed his complaint in the Sacramento

23    Division of this Court.  *See* 28 U.S.C. § 1391(b); *see also Ziegler v. Indian River County*, 64 F.3d

24    470, 474 (9th Cir. 1995) (reviewing federal court jurisdiction and venue in a § 1983 action).

25    Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper court

26    may, on the court's own motion, be transferred to the correct court.  The Court finds it in the

27    interests of justice to transfer this case to the Sacramento Division under 28 U.S.C. § 1406(a) and

28    Local Rule 120(f).

Accordingly, it is **ORDERED**:

1. The Clerk of Court is directed to transfer this action to the Sacramento Division of this Court and close the case in this division.

2. All future filings shall refer to the new Sacramento case number assigned and shall be filed at:

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

3. This Court defers rulings on Plaintiff's request to proceed *in forma pauperis* (Doc. No. 3) to the transferee court.

Dated:    July 25, 2024

HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE

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