

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.

ATTEST:
RICHARD W. WIEKING
Clerk, U.S. District Court
Northern District of California
By [Signature]
Deputy Clerk
Date 02/02/06

FILED

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2006 FEB - 1 PM 1:45

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY 5
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERIC CHARLES ROONEY K'NAPP,
Plaintiff,
vs.
HICKMAN, et al.,
Defendants.

No. C 06-492 WHA (PR)
ORDER OF TRANSFER
05CV2520 FCD CMK PC

This pro se civil rights case was transferred here from the United States District Court for the Eastern District of California. It was transferred because, that court said, "none of the defendants reside in this district" and that the claim arose in Monterey County.

Plaintiff is incarcerated at Salinas Valley State Prison, which is in Monterey County and thus in this district, but the transferring court overlooked the fact that plaintiff says that most of the defendants are employed at Mule Creek State Prison, which is in the Eastern District, and that some are state government employees "at CDC headquarters," which is in Sacramento, in the Eastern District. The only other defendants are four who are "employed by the State of California in government positions" These four are a state senator, that senator's senior policy consultant, the Secretary of the Youth and Adult Correctional Agency, and the Inspector General of the California Department of Justice. It seems likely that these four also reside in or near the state capital, in the Eastern District. That is, it appears from the complaint that none of the defendants reside in this district. Finally, plaintiff alleges that his claims arose from events "at the California State Prison in Amador County (Mule Creek State Prison"

(PC) Knapp v. Hickman et al.

Doc. 9

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[Signature]

1 Venue for this case properly lies in the Eastern District, not this one. *See* 28 U.S.C. §
2 1391(b). This case is TRANSFERRED to the United States District Court for the Eastern
3 District of California. See 28 U.S.C. § 1406(a). In view of the transfer, the Court will not
4 rule upon Plaintiff's motion for appointment of counsel.

5 IT IS SO ORDERED.

6 DATED: 2/31, 2006.

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9 WILLIAM ALSUP
10 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ERIC C.R. KNAPP,
Plaintiff,

Case Number: CV06-00492 WHA

CERTIFICATE OF SERVICE

v.

NOWLES et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 1, 2006, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Eric Charles Rodney Knapp
J-10618
Salinas Valley State Prison
PO Box 1050
Soledad, CA 93960

Dated: February 1, 2006

Richard W. Wieking, Clerk
By: D. Toland, Deputy Clerk

