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

L. H. POGUE aka L. QIYAM POGUE,

1:06-CV-00393-OWW-LJO-P

Plaintiff,
vs.

ORDER GRANTING MOTION FOR
RECONSIDERATION OF TRANSFER
[Document #10]

CALIFORNIA DEPARTMENT
OF CORRECTIONS AND
REHABILITATION, et al.,

ORDER TRANSFERRING CASE

Defendants.

ORDER DIRECTING CLERK TO
RE-OPEN SACRAMENTO CASE
2:06-CV-00126-LKK-PAN-P

_____ / _____

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On January 19, 2006, plaintiff filed a complaint at the Sacramento division of the United States District Court for the Eastern District of California, and the case was opened as case number 2:06-CV-00126-LKK-PAN-P. On January 19, 2006, plaintiff also submitted an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. The court has not ruled on the application.

On April 7, 2006, the Sacramento court transferred the case to the Fresno division of the Eastern District, on the grounds that plaintiff alleges violations of his civil rights which took place in Fresno County. On April 24, 2006, plaintiff filed a motion for reconsideration of the order transferring the case to the Fresno division. Plaintiff contends that venue is proper in the Sacramento division because the events alleged in the complaint took place at Solano State Prison, located in Solano County, which is part of the Sacramento division of the United States District Court for the Eastern District of California.

1 Plaintiff is correct. Therefore, venue is proper in the Sacramento division, and plaintiff's motion for
2 reconsideration shall be granted. This court will not rule on plaintiff's request to proceed in forma
3 pauperis.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. This court has not ruled on plaintiff's request to proceed in forma pauperis;
- 6 2. This action is transferred to the United States District Court for the Eastern District of
7 California sitting in Sacramento;
- 8 3. The Clerk shall re-open case 2:06-CV-00126-LKK-PAN-P; and
- 9 4. All future filings shall refer to the Sacramento case number and shall be filed at:

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

IT IS SO ORDERED.

Dated: April 28, 2006
b9ed48

/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE