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

COREY D. DUNN,

Petitioner,

No. CIV S-06-1659 MCE PAN P

vs.

USA, et al.,

Respondents.

ORDER

_____/

Petitioner, an individual detained on pending criminal charges and awaiting trial in state court, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.¹ Petitioner has paid the filing fee.

In his application, petitioner seeks relief from pending criminal proceedings by the Stanislaus County Superior Court. Stanislaus County is part of the Fresno Division of the United States District Court for the Eastern District of California. See Local Rule 3-120(d).

¹As a general rule, the federal writ of habeas corpus will not extend to one awaiting trial unless special circumstances exist such that there is an absence of state processes effective to protect a federal right. See Ex Parte Royall, 117 U.S. 241, 245-254 (1886); Fay v. Noia, 372 U.S. 391, 420 (1963), overruled in part by Wainwright v. Sykes, 433 U.S. 72 (1977) and Coleman v. Thompson, 501 U.S. 722 (1991). Petitioner does not allege an absence of state processes.

1 Pursuant to Local Rule 3-120(f), a civil action which has not been commenced in
2 the proper division of a court may, on the court's own motion, be transferred to the proper
3 division of the court. Therefore, this action will be transferred to the Fresno Division of the
4 court. This court will not rule on petitioner's request to proceed in forma pauperis.

5 Good cause appearing, IT IS HEREBY ORDERED that:

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

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

15 DATED: August 22, 2006.

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17 UNITED STATES MAGISTRATE JUDGE

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