

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

RICKY LYNN NEWTON,

Petitioner, No. CIV S-09-0122 DAD P

VS.

KEN CLARK, Warden,

Respondent. **ORDER**

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis. In his application, petitioner challenges a conviction issued 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).

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

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1 Good cause appearing, IT IS HEREBY ORDERED that:

2 1. This court has not ruled on petitioner's request to proceed in forma pauperis;

3 2. This action is transferred to the United States District Court for the Eastern

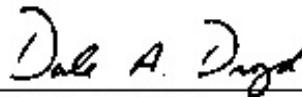
4 District of California sitting in Fresno; and

5 3. All future filings shall reference the new Fresno case number assigned and

6 shall be filed at:

7 United States District Court
8 Eastern District of California
9 2500 Tulare Street
Fresno, CA 93721

10 DATED: January 16, 2009.

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12 Dale A. Drozd
13 DALE A. DROZD
14 UNITED STATES MAGISTRATE JUDGE

15 DAD:mp
16 newt0122.109