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

10 RICKY LYNN NEWTON,

11 Petitioner,

No. CIV S-09-0122 DAD P

12 vs.

13 KEN CLARK, Warden,

14 Respondent.

ORDER

15 \_\_\_\_\_/  
16 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of  
17 habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma  
18 pauperis. In his application, petitioner challenges a conviction issued by the Stanislaus County  
19 Superior Court. Stanislaus County is part of the Fresno Division of the United States District  
20 Court for the Eastern District of California. See Local Rule 3-120(d).

21 Pursuant to Local Rule 3-120(f), a civil action which has not been commenced in  
22 the proper division of a court may, on the court's own motion, be transferred to the proper  
23 division of the court. Therefore, this action will be transferred to the Fresno Division of the  
24 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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13 DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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