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

NICHOLAS J. QUEEN,

Petitioner,

No. CIV S-09-1775 DAD P

vs.

H.A. RIOS, Warden,

Respondent.

ORDER

_____ /

Petitioner, a federal prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, together with a motion to proceed in forma pauperis.

In his application, petitioner challenges the execution of his sentence. Petitioner is incarcerated at the United States Penitentiary, Atwater in Atwater, California. Atwater is located in Merced County which 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.

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Good cause appearing, IT IS HEREBY ORDERED that:

1. This action is transferred to the United States District Court for the Eastern District of California sitting in Fresno; and

2. All future filings shall reference the new Fresno case number assigned and shall be filed at:

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

DATED: July 14, 2009.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:9
quee1775.109