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

VINCENT S. PHILLIPS,

Petitioner,

No. CIV S-09-2397 DAD P

vs.

M. MARTEL, 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 judgment of conviction entered by the Fresno County Superior Court. Fresno 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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Good cause appearing, IT IS HEREBY ORDERED that:

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

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

3. 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: September 3, 2009.

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

DAD:kly  
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