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

HORACE ANDREW BELL,

Plaintiff,

No. CIV S-09-2426 JAM EFB P

vs.

KELLY HARRINGTON, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding pro se and *in forma pauperis* in an action brought under 42 U.S.C. § 1983. This action proceeds on the November 3, 2010 amended complaint against defendants Biter, Kurz, Brubaker, Romero, Lawless, Cano, Doran, and Flippo. Dckt. Nos. 13, 14. The complaint does not specifically allege where plaintiff’s claims arose, but copies of plaintiff’s administrative appeals, attached to the complaint, indicate that at least some of the allegations relate to events that purportedly occurred at Kern Valley State Prison. *See* Dckt. No. 13 at 10, 13-17. Defendants’ answer, filed September 9, 2011, confirms that they were employed at Kern Valley State Prison. Dckt. No. 29 ¶¶ VI, VIII. Kern Valley State Prison is in Kern County, which is in the Fresno Division of this court. It is now evident that plaintiff claims his civil rights were violated in Kern County and that this action should have been commenced in Fresno. *See* Local Rule 120(d), (f). Because this court is transferring the action,

1 it does not rule on the parties' pending discovery motions, *see* Dckt. Nos. 33, 35, 36, 38. *See*
2 *Utah v. American Pipe & Constr. Co.*, 316 F. Supp. 837, 839 (C.D. Cal. 1970).

3 Accordingly, it is hereby ordered that:

- 4 1. All dates set in this action are vacated;
- 5 2. This action is transferred to the Fresno Division;
- 6 3. The Clerk of Court shall assign a new case number; and
- 7 4. All future filings shall bear the new case number and shall be filed at:

8 United States District Court
9 Eastern District of California
10 2500 Tulare Street
11 Fresno, CA 93721

11 Dated: March 8, 2012.

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13 EDMUND F. BRENNAN
14 UNITED STATES MAGISTRATE JUDGE
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