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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

KELLY M. MARSH,

Plaintiff,

vs.

OLIVE GARDEN,

Defendant.

Case No: C 10-0324 SBA
ORDER TRANSFERRING ACTION

Plaintiff, Kelly Marsh, filed the instant pro se employment discrimination action against her former employer, the Olive Garden, on January 22, 2010. The acts complained of occurred in Tracy, California, which is located in the Eastern District of California. It also appears that neither Plaintiff nor Defendant reside in this District. Venue, therefore, more appropriately lies in the Eastern District of California. See 28 U.S.C. § 1391(b).

Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the United States District Court for the Eastern District of California. The Clerk of the Court shall transfer the case forthwith. All remaining motions are TERMINATED on this Court's docket as no longer pending in this District.

IT IS SO ORDERED.

Dated: February 5, 2010


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 KELLY M MARSH,
5
6 Plaintiff,

7 v.

8 OLIVE GARDEN et al,
9
10 Defendant.

Case Number: CV10-00324 SBA

CERTIFICATE OF SERVICE

11
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on February 5, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
17 located in the Clerk's office.

18 Kelly M. Marsh
19 2381 Westbury Ct.
20 Tracy, CA 95376

21 Dated: February 5, 2010

Richard W. Wieking, Clerk

By: LISA R CLARK, Deputy Clerk