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

HANSON WILSON-MILLAN,

Plaintiff,

No. 2:10-cv-0687 MCE KJN P

vs.

FEDERAL BUREAU OF PRISONS,

Defendants.

ORDER

_____ /

Plaintiff is a federal prisoner proceeding without counsel who is currently incarcerated at Kern Valley State Prison. This action was initially filed as a civil rights action pursuant to 28 U.S.C. § 1983, but plaintiff now asserts that he is pursuing a “Bivens action”¹ pursuant to this court’s jurisdiction under 28 U.S.C. § 1331.² Plaintiff requests that the court send him the requisite forms to proceed in forma pauperis and that he be exempted from exhausting his administrative remedies.

The nature of plaintiff’s action and the relief he seeks remain unclear. It appears

¹ Bivens v. Six Unknown Agents, 403 U.S. 388 (1971) (authorizing private right of action for damages to enforce federal constitutional rights).

² 28 U.S.C. § 1331 accords to the federal district courts original subject matter jurisdiction “of all civil actions arising under the Constitution, laws, or treaties of the United States.”

1 that plaintiff seeks transfer to a federal prison in the eastern United States in order to be near
2 family members; however, plaintiff has challenged the conditions of his prior federal
3 confinement as well as the anticipated conditions of confinement in a state prison, and now
4 asserts that his current placement in a state prison has resulted in the denial of rights to which he
5 would otherwise have been entitled in a federal correctional institution.

6 Whether plaintiff is seeking a transfer of placement and/or is challenging past or
7 present conditions of confinement, his current confinement in Kern County requires a transfer of
8 this case to the Fresno Division of the United States District Court for the Eastern District of
9 California. See Local Rule 120(d). This action will therefore be transferred to the Fresno
10 Division. This court has made no rulings in this case.

11 Accordingly, good cause appearing, IT IS HEREBY ORDERED that:

12 1. This action is transferred to the Fresno Division of the United States District
13 Court for the Eastern District of California; and

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

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

19 DATED: May 11, 2010
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23 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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