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

10 WILLIAM JAMES BRAINARD,

11 Plaintiff, No. CIV S-10-1453 FCD DAD PS

12 vs.

13 BRYAN WILLMON, et al.,

14 Defendants. ORDER

15 \_\_\_\_\_ /

16 Plaintiff, an individual proceeding pro se, has filed a civil action arising from a  
17 property dispute. The case has been referred to the undersigned pursuant to Local Rule  
18 302(c)(21) and 28 U.S.C. § 636(b)(1).

19 Plaintiff's allegations and exhibits reveal that the property at issue is located in  
20 Tuolumne County. Plaintiff and two of the defendants appear to reside in Tuolumne County, and  
21 the third defendant appears to reside in Modesto, which is located in Stanislaus County.

22 Plaintiff is advised that the United States District Court for the Eastern District of  
23 California sits in Fresno as well as Sacramento. Intra-district venue is governed by Local Rule  
24 120, which provides as follows:

25 **(d) Commencement of actions.** All civil and criminal actions  
26 and proceedings of every nature and kind cognizable by the United  
States District Court for the Eastern District of California arising in

Calaveras, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Stanislaus, Tulare and Tuolumne counties shall be commenced in the United States District Court sitting in Fresno, California . . . .

Local Rule 120(d) (emphasis added).

In the present case, the property at issue is located in Tuolumne County. Thus, this action arose in Tuolumne County and should have been commenced in the Fresno Division of the court. When an action has not been filed in the proper division of this court, the court may, on its own motion, transfer the action to another venue within the district. See Local Rule 120(f). The undersigned will therefore transfer this action to the Fresno Division of the court for all further proceedings.

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 to be assigned and shall be filed only at:

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

DATED: June 17, 2010.

Dale A. Drozd  
DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

DAD:kw  
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