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

JON W. OLSON,

Plaintiff,

No. 2:13-cv-767-TLN-EFB PS

vs.

LINCOLN FINANCIAL GROUP,
LINK-ALLEN BENEFIT GROUP,

ORDER

Defendants.

_____/

This case, in which plaintiff is proceeding *pro se*, is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1). On April 19, 2013, defendants removed the action to this court from Stanislaus County Superior Court, on the grounds that the action arises under the Employee Retirement Income Security Act of 1974, as amended (“ERISA”), 29 U.S.C. §§ 1001 *et seq.* Notice of Removal, Dckt. No. 1. Upon review of the action, it appears that in addition to being removed from Stanislaus County, plaintiff resides in Stanislaus County and alleges that the contract at issue was to be performed in Stanislaus County and a defendant’s principal place of business is in Stanislaus County. Compl., Dckt. No. 1-1, at 5; *see also* Notice of Removal at 3 (contending that venue in the Eastern District of California is proper); 29 U.S.C. § 1132(e)(2) (“Where an action under this subchapter is brought in a district court of the United States, it may be brought in the district where the plan

1 is administered, where the breach took place, or where a defendant resides or may be found, and
2 process may be served in any other district where a defendant resides or may be found.”).
3 Therefore, the case should have been removed to the district court sitting in Fresno pursuant to
4 Eastern District of California Local Rule 120(d), and will be transferred to Fresno pursuant to
5 Local Rule 120(f). L.R. 120(d) (“All civil and criminal actions and proceedings of every nature
6 and kind cognizable in the United States District Court for the Eastern District of California
7 arising in . . . Stanislaus [County] shall be commenced in the United States District Court sitting
8 in Fresno, California”); L.R. 120(f) (“Whenever in any action the Court finds upon its own
9 motion, motion of any party, or stipulation that the action has not been commenced in the proper
10 court in accordance with this Rule, or for other good cause, the Court may transfer the action to
11 another venue within the District.”).

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. This action is transferred to Fresno division of this court;
- 14 2. All dates currently set in this action are vacated;
- 15 3. The Clerk of Court shall assign a new case number; and
- 16 4. All future filings shall bear the new case number and shall be filed at:

17 United States District Court
18 Eastern District of California
19 2500 Tulare Street
20 Fresno, CA 93721

21 DATED: May 9, 2013.

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23 EDMUND F. BRENNAN
24 UNITED STATES MAGISTRATE JUDGE
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