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

ASHLEY CANDLER,
Plaintiff,
vs.
SHANNON CARTER,
Defendant.

No. 2:13-cv-2072-LKK-CMK

ORDER

_____/

Plaintiff, proceeding with counsel, brings this civil action against a pro se defendant. Pursuant to Eastern District of California Local Rule 302(c)(21), this matter was referred to the undersigned for all pretrial proceedings. Pending before the court is defendant's motion to change venue (Doc. 12) and motion to proceed in forma pauperis (Doc. 13).

Defendant filed the motion to change venue without setting a hearing date or providing notice of the hearing pursuant to Local Rule 230. As the motion was not properly set for hearing, the court will strike the motion. Defendant may re-file a properly noticed motion for hearing before the assigned Magistrate Judge. See Local Rule 230(k).

As for defendant's motion to proceed in forma pauperis, 28 U.S.C. § 1915 allows the court to authorize an action to be commenced without prepayment of fees by a person who

1 submits an affidavit showing the person is unable to pay such fees. Here, plaintiff paid the filing
2 fees to commence this action and there are no fees or costs the defendant is required to pay at this
3 time. Her motion will therefore be denied, without prejudice, as unnecessary.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Defendant's motion to change venue (Doc. 12) is stricken as improperly
6 filed without a noticed hearing; and

7 2. Defendant's motion to proceed in forma pauperis (Doc. 13) is denied,
8 without prejudice, as unnecessary.

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10 DATED: June 11, 2014

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12 **CRAIG M. KELLISON**
13 UNITED STATES MAGISTRATE JUDGE
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