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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EVERETT GALINDO GONZALEZ,
Plaintiff,
v.
C. GUIRBINO,
Defendants.

No. 2:14-cv-335-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. Plaintiff has filed an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. ECF No. 2.

Plaintiff alleges that he has been confined to the Security Housing Unit (“SHU”) at Corcoran State Prison for over thirteen years. ECF No. 1 ¶ 31. He claims that his confinement in the SHU amounts to cruel and unusual punishment in violation of the Eighth Amendment, and infringes upon his right to practice his religion. *Id.* ¶¶ 31-33, 79-89, 69-78. He also claims he has been retained in the SHU without due process. *Id.* ¶¶ 31-33. He names approximately 22 individuals as defendants. *Id.* ¶¶ 8-30.

Plaintiff refers to his September 12, 2013 appearance in Sacramento before the Departmental Review Board (“DRB”), which apparently elected to retain him in the SHU. *See id.* ¶¶ 59-68. Plaintiff claims that during these proceedings, the DRB defendants violated his

1 First, Fifth, and Fourteenth Amendment rights. *Id.* ¶ 62. The bulk of plaintiff's complaint,
2 however, concerns his conditions of confinement in the Corcoran SHU, which is in Kings
3 County, California. In addition, most of the defendants appear to be located in Kings County.

4 Kings County is in the Fresno Division of the United States District Court for the Eastern
5 District of California. For the convenience of the parties and witnesses and in the interest of
6 justice, this action will be transferred to the Fresno Division. Where a civil action has not been
7 commenced in the proper division of a court, the court may, on its own motion, transfer the action
8 to the proper division. E.D. Cal. Local Rule 120(f); *see also* 28 U.S.C. § 1404(a).

9 Accordingly, it is hereby ordered that:

- 10 1. This action is transferred to the Fresno Division.
- 11 2. The Clerk of Court shall assign a new case number.
- 12 3. All future filings shall bear the new case number and shall be filed at:

13 United States District Court
14 Eastern District of California
15 2500 Tulare Street
16 Fresno, CA 93721

16 DATED: February 6, 2014.

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18 EDMUND F. BRENNAN
19 UNITED STATES MAGISTRATE JUDGE
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