

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN PHILPOTT.

No. 2:14-cv-2339 KJN P

Plaintiff,

ORDER

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DRAFT

Plaintiff is a civil detainee housed at Coalinga State Hospital, and is proceeding without counsel. Plaintiff filed a civil rights action pursuant to 42 U.S.C. § 1983, together with a request to proceed in forma pauperis. In his complaint, plaintiff alleges violations of his civil rights which took place in Fresno County,¹ which is part of the Fresno Division of the United States District Court for the Eastern District of California. See Local Rule 120(d).

Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper division of a court may, on the court's own motion, be transferred to the proper division of the court. Therefore, this action will be transferred to the Fresno Division of the court. In light of

¹ It appears plaintiff may, in part, be attempting to challenge his civil commitment under California's Sexually Violent Predators Act. However, plaintiff is informed that if he seeks release from custody based on upon improper commitment, he should file a petition for writ of habeas corpus under 28 U.S.C. § 2254 in the Sacramento Division of this court because he was ordered committed by order of the Sacramento County Superior Court. Plaintiff cannot obtain his release through the instant § 1983 action.

1 1996 amendments to 28 U.S.C. § 1915, this court will not rule on plaintiff's request to proceed in
2 forma pauperis.

3 Good cause appearing, IT IS HEREBY ORDERED that:

4 1. This court has not ruled on plaintiff's request to proceed in forma pauperis;
5 2. This action is transferred to the United States District Court for the Eastern District of
6 California sitting in Fresno; and
7 3. All future filings shall reference the new Fresno case number assigned and shall be
8 filed at:

9 United States District Court
10 Eastern District of California
11 2500 Tulare Street
12 Fresno, CA 93721

13 Dated: November 12, 2014

14 phil2339.22


15 KENDALL J. NEWMAN
16 UNITED STATES MAGISTRATE JUDGE
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