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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASON E. PELLUM SR.,  
Plaintiff,  
v.  
FLEMINGS RESTAURANT, INC.,  
Defendant.

No. 2:15-cv-0437 TLN DAD PS

ORDER

Plaintiff, Jason Pellum, is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). Plaintiff has filed a complaint and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

The allegations of plaintiff's complaint reveal that both plaintiff and the named defendant are located in Fresno, California and that the events alleged in plaintiff's complaint also occurred in Fresno, California. The United States District Court for the Eastern District of California sits in Fresno as well as in Sacramento. Intra-district venue is governed by Local Rule 120, which provides as follows:

(d) Commencement of actions. All civil and criminal actions 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

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the United States District Court sitting in Fresno, California . . . .

Local Rule 120(d).

In the present case, the events at issue occurred in Fresno which is where the defendant is also located. Thus, this action arose in Fresno 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 for all further proceedings; 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: March 13, 2015

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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