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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAMES HENRY THOMAS, JR.,  
Plaintiff,

No. C 08-4443 MHP (pr)

**ORDER OF TRANSFER**

v.

SACRAMENTO POLICE  
DEPARTMENT OFFICER SMITH,  
Badge # 338; et al.,  
Defendants.

United States District Court  
For the Northern District of California

James Henry Thomas, Jr., filed this pro se civil rights action under 42 U.S.C. § 1983, complaining of acts and omissions that occurred during a search of his come and his arrest in Sacramento, California. Sacramento is in Sacramento County, and that county is within the venue of the Eastern District of California. Defendants are employed at the Sacramento Police Department and apparently reside in the Eastern District of California. Venue therefore properly lies in that district and not in this one. See 28 U.S.C. § 1391(b). Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the United States District Court for the Eastern District of California. The clerk shall transfer this matter.

IT IS SO ORDERED.

DATED: December 18, 2008

  
Marilyn Hall Patel  
United States District Judge