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3 IN THE UNITED STATES DISTRICT COURT  
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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7 In Re ROBERT CARL GORSKI,  
8 Plaintiff.

No. C 13-4229 NC (PR)

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11 **ORDER REOPENING ACTION AND**  
12 **OF TRANSFER**

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This action was opened on September 12, 2013, when the Court received from Inmate Robert Carl Gorski a letter to the Honorable Thelton E. Henderson that concerned prison conditions.

On the same date, the Clerk of the Court directed Plaintiff to complete a civil rights complaint form and an in forma pauperis (IFP) application, and told him that he must complete these documents within twenty-eight days or his action would be dismissed. The Clerk sent Plaintiff a blank civil rights complaint form as well as a prisoner's IFP application.

On October 28, 2013, the Court dismissed the action on the grounds that Plaintiff had not filed the necessary documents or otherwise communicated with the Court.

On December 20, 2013, Plaintiff filed a request to reopen the action on the grounds that he never received the Clerk's IFP and complaint notices. Because it appears that Plaintiff never received the necessary forms and directions, the Court REOPENS this action.

Further review of Plaintiff's case, however, reveals that he has initiated his civil action in the wrong judicial district. Plaintiff currently is incarcerated at Avenal State Prison ("ASP") in Avenal, California. He alleges that the staff at ASP have been deliberately indifferent to his medical needs and that the Captain of his housing yard at ASP has been destroying his inmate grievances. (Dec. 20, 2013 Letter.)

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It therefore appears that the acts complained of occurred at ASP, which is located in Kings County in the Eastern District of California. Venue, therefore, properly lies in the Eastern 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.

If he wishes to further pursue this action, Plaintiff must complete the complaint form and in forma pauperis application required by the United States District Court for the Eastern District of California and mail them to that district.

The Clerk is directed to reopen this action, terminate any pending motions, and transfer the case forthwith.

IT IS SO ORDERED.

DATED: January 6, 2014

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NATHANAEL M. COUSINS  
United States Magistrate Judge