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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER LESLIE SMITH,
Plaintiff,
v.
G. GUTIERREZ,
Defendant.

Case No. [21-cv-03203-JD](#)

ORDER OF TRANSFER

Re: Dkt. Nos. 2, 7

Plaintiff, a federal prisoner, filed a habeas petition pursuant to 28 U.S.C. § 2241. A review of the filing indicates that plaintiff actually seeks relief regarding his medical condition and medical treatment by prison officials pursuant to *Biven v. Six Unknown Named Agents*, 403 U.S. 388 (1971). Plaintiff presents allegations regarding treatment at FCI Lompoc and the defendants are employed at that prison. That facility is located within the venue of the United States District Court for the Central District of California. Because plaintiff is still incarcerated in the Central District and the defendants and incident occurred in the Central District, venue properly lies in that district and not in this one. *See* 28 U.S.C. § 1391(b).

This case is **TRANSFERRED** to the United States District Court for the Central District of California. *See* 28 U.S.C. § 1406(a). In view of the transfer, the Court will not rule upon plaintiff's motions (Docket Nos. 2, 7) which are **VACATED**.

IT IS SO ORDERED.

Dated: June 4, 2021



JAMES DONATO
United States District Judge