

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD KELLY, No. C 11-00811 CW (PR)
Plaintiff, ORDER OF TRANSFER
v.
D. JACKSON, et al.,
Defendants.

Plaintiff, a state prisoner currently incarcerated at Avenal State Prison, filed this action as a civil action in the Santa Clara County Superior Court, Kelly v. Jackson, et al., Case No. 110CV186459.

On February 22, 2011, Defendants removed the action to this Court pursuant to 28 U.S.C. § 1441(b). Defendants, who are represented by the State Attorney General's Office,¹ have filed a motion asking the Court to screen the complaint under 28 U.S.C. § 1915A.

The acts complained of occurred at Avenal State Prison, which is located in the Eastern District of California, and it appears that Defendants reside in that district. 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

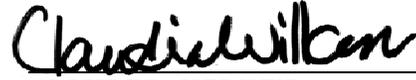
¹ Deputy Attorney General Erin Burns Sullivan represents and has acknowledged service on behalf of Defendants Whiteman, Boccella, Jackson, Gutierrez, Hartley, Roberts, Tuntakit, Vargas and Gibson.

1 of the Court shall transfer the case forthwith.

2 All pending motions are TERMINATED on this Court's docket as
3 no longer pending in this district.

4 IT IS SO ORDERED.

5 Dated: 3/4/2011



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 RICHARD KELLY,
5 Plaintiff,

Case Number: CV11-00811 CW

CERTIFICATE OF SERVICE

6 v.

7 D JACKSON et al,
8 Defendant.

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on March 4, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
13 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
14 receptacle located in the Clerk's office.

15 Richard Kelly T-15250
16 Avenal State Prison
17 P.O. Box 900
18 510-1-20
19 Avenal, CA 93204

20 Dated: March 4, 2011

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk