

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

MICHAEL SPERRY,  
Plaintiff,

No. C 11-01090 SBA (PR)

**ORDER OF TRANSFER**

v.

D. SWINGLE, et al.,  
Defendants.

Plaintiff, a state prisoner, has filed a pro se civil rights action pursuant to 42 U.S.C. § 1983 and an application for in forma pauperis status. The acts complained of occurred at High Desert State Prison, which is located in the Eastern District of California, and it appears that the 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 of the Court shall transfer the case forthwith. All pending motions are TERMINATED on this Court's docket as no longer pending in this district.

IT IS SO ORDERED.

DATED: 4/20/11

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL SPERRY,  
Plaintiff,

Case Number: CV11-01090 SBA

**CERTIFICATE OF SERVICE**

v.

D SWINGLE et al,  
Defendant.

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

That on April 25, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Michael Sperry G-01072  
Pleasant Valley State Prison  
P.O. Box 1072  
Coalinga, CA 93210-8504

Dated: April 25, 2011

Richard W. Wieking, Clerk  
By: LISA R CLARK, Deputy Clerk