

## 1 IN THE UNITED STATES DISTRICT COURT

## 2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 In re ADAM REY ESPINOZA,

No. C 12-04090 YGR (PR)

4 **ORDER OF TRANSFER**

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6 This action was opened on August 3, 2012, when the Court received from Inmate Adam Rey  
7 Espinoza a letter to the Honorable Thelton E. Henderson that concerned prison conditions. On that  
8 date, the Clerk of the Court notified Plaintiff in writing that his action was deficient in that he had  
9 not submitted his complaint on a proper complaint form and had not submitted an *in forma pauperis*  
10 application. The Court further notified him that this action would be dismissed he if did not submit  
11 a complaint on the proper form and a completed *in forma pauperis* application within thirty days.

12 Further review of Plaintiff's case reveals that, in addition to failing to submit the proper  
13 documents, he has also initiated his civil action in the wrong judicial district. Plaintiff's letter states  
14 that he is currently incarcerated at the California Men's Colony ("CMC") in San Luis Obispo,  
15 California. He complains that "over-crowding" at CMC led to the denial of his request to be "single  
16 cell[ed]" and has affected his emotional, mental, and physical well-being. (Aug. 3, 2012 Letter at 1.)

17 CMC is located in the Western Division of the Central District of California, and it appears  
18 that Defendants reside in that district. Venue, therefore, properly lies in that district and not in this  
19 one. *See* 28 U.S.C. § 1391(b).

20 Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is  
21 TRANSFERRED to the Western Division of the United States District Court for the Central District  
22 of California. The Clerk of the Court shall transfer the case forthwith.

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

26 IT IS SO ORDERED.

27 DATED: August 21, 2012

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YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE\