

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

4 In re K. SHEPHERD,

No. C 13-2200 DMR (PR)

5 **ORDER OF TRANSFER**  
6  
7  
8

9 This action was opened on May 14, 2013, when the Court received from Inmate K. Shepherd  
10 a letter to the Honorable Thelton E. Henderson that concerned prison conditions.

11 On the same date, the Clerk of the Court notified Plaintiff in writing that his action was  
12 deficient in that he had not submitted his complaint on a proper complaint form and had not  
13 submitted an *in forma pauperis* application. The Clerk further notified him that this action would be  
14 dismissed if he did not submit a complaint on the proper form and a completed *in forma pauperis*  
15 application within twenty-eight days. In addition, also on May 14, 2013, the Clerk notified Plaintiff  
16 in writing that this matter has been assigned to the undersigned Magistrate Judge.

17 On May 29, 2013, Plaintiff filed a letter requesting the appointment of counsel in this matter.

18 Further review of Plaintiff's case reveals that, in addition to failing to submit the proper  
19 documents, he has also initiated his civil action in the wrong judicial district. Plaintiff's letter states  
20 that he is currently incarcerated at the California Medical Facility ("CMF") in Vacaville, California.  
21 He alleges that prison officials at CMF have denied him medical treatment. (Pl.'s May 14, 2013  
22 Letter at 1.) Plaintiff fails to further elaborate on his claim of deliberate indifference to his serious  
23 medical needs in his one-page letter. Instead, he attaches "documents which show [his] condition."  
24 (*Id.*)

25 CMF is located in the Eastern District of California, and it appears that Defendants reside in  
26 that district. Venue, therefore, properly lies in that district and not in this one. *See* 28 U.S.C.  
27 § 1391(b).  
28

1           Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is  
2 TRANSFERRED to the United States District Court for the Eastern District of California.<sup>1</sup> The  
3 Clerk shall transfer the case forthwith.

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

7           All remaining motions, including Plaintiff's request for appointment of counsel (Docket No.  
8 5), are TERMINATED on this Court's docket as no longer pending in this district.

9           The Clerk shall also direct an electronic version of Plaintiff's letter and this Order to Judge  
10 Henderson.

11           IT IS SO ORDERED.

12  
13 Dated: June 5, 2013



14  
15  
16 DONNA M. RYU  
United States Magistrate Judge

17  
18  
19  
20  
21  
22  
23  
24  
25  
26 \_\_\_\_\_  
27 <sup>1</sup> Venue transfer is a non-dispositive matter and, thus, it falls within the scope of the  
28 jurisdiction of the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A).