

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROGER CLARK,
Plaintiff,

v.

DR. WESLEY MCALLISTER, et al.,
Defendants.

Case No. [16-cv-00268-DMR](#) (PR)

ORDER OF TRANSFER

This action was opened on January 15, 2016, when the Court received from Plaintiff Roger Clark, who is an inmate at the California Medical Facility (“CMF”), a letter to the Honorable Thelton E. Henderson that concerned prison conditions. Dkt. 1.

On the same date, the Clerk of the Court notified Plaintiff in writing that his action was deficient in that he had not submitted his complaint on a proper complaint form and had not submitted an *in forma pauperis* (“IFP”) application. Dkts. 2, 3. The Clerk further notified him that this action would be dismissed if he did not submit a complaint on the proper form and a completed IFP application within twenty-eight days. *See id.* In addition, the Clerk also notified Plaintiff in writing that this matter has been assigned to the undersigned Magistrate Judge. Dkt. 5.

On March 2, 2016, Plaintiff filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 after being granted an extension of time to do so. Dkt. 8. Plaintiff has also submitted an IFP application. Dkt. 9. To date, Plaintiff has not filed his consent to magistrate judge jurisdiction.

The acts complained of occurred at CMF in Vacaville, which is located in the Eastern District of California, and it appears that Defendants reside in that district. Venue, therefore,

1 properly lies in that district and not in this one. *See* 28 U.S.C. § 1391(b).

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

5 Any remaining motions (dkt. 9) are TERMINATED on this Court's docket as no longer
6 pending in this district.

7 IT IS SO ORDERED.

8 Dated: March 21, 2016



DONNA M. RYU
United States Magistrate Judge

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28 ¹ Venue transfer is a non-dispositive matter and, thus, it falls within the scope of the jurisdiction of
the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A).

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Case No. [4:16-cv-00268-DMR](#)

CERTIFICATE OF SERVICE

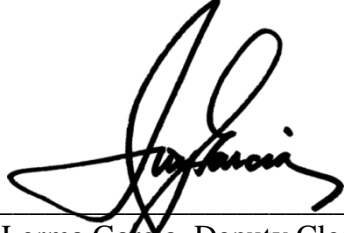
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 21, 2016, I SERVED a true and correct copy(ies) of the Order of Transfer, 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.

Roger Clark ID: G-48164
California Medical Facility
P.O. Box 2000
Vacaville, CA 95696

Dated: March 21, 2016

Susan Y. Soong
Clerk, United States District Court

By: 
Ivy Lerma Garcia, Deputy Clerk to the
Honorable DONNA M. RYU