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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

D. DUSTIN,  
Petitioner,  
v.  
CHRISTIAN PFEIFFER, Warden,  
Respondent.

Case No. [16-cv-05246-DMR](#) (PR)

**ORDER OF TRANSFER**

Petitioner, a state prisoner proceeding *pro se*, filed a complaint concerning the conditions of his confinement at Kern Valley State Prison (“KVSP”), where he is currently incarcerated. Petitioner filed his complaint on the court’s form for a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has also filed a motion for leave to proceed *in forma pauperis*. Dkt. 4.

This action has been assigned to the undersigned magistrate judge. On October 4, 2016, Petitioner consented to magistrate judge jurisdiction in this matter. Dkt. 5.

The acts complained of occurred at KVSP in Kern County, 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, this case is TRANSFERRED to the United States District Court for the Eastern District of California. *See* 28 U.S.C. § 1406(a). In view of the transfer, the court will not determine whether to construe the instant petition as a civil rights complaint pursuant to 42 U.S.C. § 1983. The Clerk of the Court shall transfer the case forthwith. All remaining motions are TERMINATED on this Court’s docket as no longer pending in this district.

IT IS SO ORDERED.

Dated: November 8, 2016



DONNA M. RYU  
United States Magistrate Judge

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3  
4 D. DUSTIN,  
5 Plaintiff,  
6 v.  
7 PFFEIFFER,  
8 Defendant.

Case No. [4:16-cv-05246-DMR](#)

**CERTIFICATE OF SERVICE**

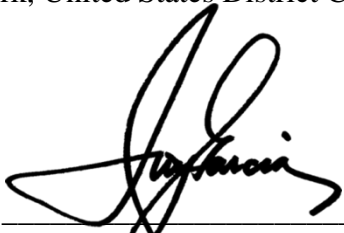
9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
10 District Court, Northern District of California.

11  
12 That on November 8, 2016, I SERVED a true and correct copy(ies) of the attached, by  
13 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
15 receptacle located in the Clerk's office.

16  
17 D. Dustin ID: J67741  
18 KVSP Bldg 3-D-111  
19 P.O. Box 5104-3130  
20 Delano, CA 93216-3130

Dated: November 8, 2016

21  
22 Susan Y. Soong  
23 Clerk, United States District Court

24  
25   
26 By: \_\_\_\_\_  
27 Ivy Lerma Garcia, Deputy Clerk to the  
28 Honorable DONNA M. RYU