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NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHERMAN JOHNSON, JR.,	)	No. C 09-05533 JF (PR)
Plaintiff,	)	ORDER OF TRANSFER
vs.	)	
LAURANCE SMITH, et al.,	)	
Defendants.	)	(Docket No. 2)

Plaintiff, a state prisoner proceeding pro se, filed the instant civil rights action pursuant to 42 U.S.C. § 1983 concerning the conditions of his confinement at the Deuel Vocational Institution. Because the acts complained of occurred in San Joaquin County and the Defendants are located in Sacramento and San Joaquin Counties, which lie within the venue of the Eastern District of California, venue 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). The Court will defer to the Eastern District on Plaintiff's motion to proceed in forma pauperis. (Docket No. 2.)

The Clerk shall terminate any pending motions and transfer the entire file to the Eastern District of California.

IT IS SO ORDERED.

DATED: 3/9/10



\_\_\_\_\_  
JEREMY FOGEL  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

SHERMAN JOHNSON JR,  
Plaintiff,

Case Number: CV09-05533 JF

**CERTIFICATE OF SERVICE**

v.

LAURANCE SMITH, et al.,  
Defendants.

\_\_\_\_\_/

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 3/18/10, 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.

Sherman Johnson F-63133  
Deuel Vocational Institution  
P.O. Box 600  
DVI-J-Wing #116  
Tracy, CA 95378

Dated: 3/18/10

Richard W. Wieking, Clerk