

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JOSEPH PITTS #A0259019,)	CIV. NO. 11-00250 SOM-RLP
)	
Petitioner,)	
)	ORDER DENYING MOTION FOR
vs.)	RECONSIDERATION
)	
DEPARTMENT OF PUBLIC SAFETY,)	
CCA MAINLAND BRANCH)	
ADMINISTRATORS,)	
)	
Respondents.)	
)	

ORDER DENYING MOTION FOR RECONSIDERATION

On April 13, 2011, Petitioner Joseph Pitts, a Hawaii state prisoner incarcerated at the Saguaro Correctional Center ("SCC"), located in Eloy, Arizona, commenced a civil action in this court by filing a motion for a temporary restraining order and preliminary injunction. Pitts named the Hawaii Department of Public Safety ("DPS") and its "CCA Mainland Branch Administrators"¹ as respondents to the motion. Pitts sought injunctive relief preventing SCC prison officials in Arizona from retaliating against him for filing suit against Hawaii prison officials, regarding an incident that allegedly occurred in 2009 while Pitts was a pretrial detainee at the Oahu Community

¹ The DPS contracts for correctional services with the Corrections Corporation of America ("CCA"), which operates SCC.

Correctional Center.² Pitts alleged that, if he filed a prisoner civil rights complaint against Hawaii prison officials regarding the incident, SCC prison officials would put him in segregation in Arizona.

This court determined that venue was improperly laid in Hawaii and transferred this action to the United States District Court for the District of Arizona on April 15, 2011, pursuant to 28 U.S.C. § 1406(a). The action in this district was closed on that date. Pitts now seeks reconsideration of the transfer order.

This court is without jurisdiction to reconsider the transfer order. See *Allen v. Bayer Corp.* (*In re: Phenylpropanolamine (PPA) Prods. Liab. Litig.*), 460 F.3d 1217, 1230 (9th Cir. 2006) (transfer is effective when the order of transfer is filed in the office of the clerk of the district court of the transferee district, and when the transfer becomes effective, the jurisdiction of the transferor court ceases and the transferee court has exclusive jurisdiction.). Any further requests or motions should be filed with the court to which this action was transferred. Pitts is notified that any further filings in this case shall be placed in the file and disregarded.

² Pitts was convicted of Attempted Murder in the Second Degree, in violation of Haw. Rev. Stat. § 707-701.5, on March 10, 2010. See Hawai'i State Judiciary's Public Access to Court Information, at: <http://hoohiki1.courts.state.hi.us/jud/Hoohiki/>.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, May 2, 2011.



/s/ Susan Oki Mollway

Susan Oki Mollway

Chief United States District Judge

Pitts v. Dep't. of Public Safety, et al., Civ. No. 11-00250 SOM; Order Denying Motion for Reconsideration; psas/recon/dmp/2011/ Pitts 11-250 SOM (trf ord)