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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 LONNIE LEE MANUEL,

12 Plaintiff,

13 v.

14 COUNSELOR T. SALGADO, et al.

15 Defendants.  
16  
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NO. CV 09-812-UA (AGR)

ORDER TO SHOW CAUSE

18 On February 9, 2009, Plaintiff lodged a Civil Rights Complaint Pursuant to  
19 42 U.S.C. § 1983. He names three defendants, all of whom are employed at  
20 Avenal State Prison, where Plaintiff is incarcerated. Avenal State Prison is in  
21 Kings County, which is in the Eastern District of California.<sup>1</sup>

22 For the reasons discussed below, the Court orders Plaintiff to show cause,  
23 on or before **March 6, 2009**, why this Court should not transfer this case to the  
24 Eastern District of California based on improper venue.

25 "A civil action wherein jurisdiction is not founded solely on diversity of  
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27 \_\_\_\_\_  
28 <sup>1</sup> The Court notes that Plaintiff alleges that in 2004 Wasco State Prison  
officials also mistakenly placed an "R" suffix in Plaintiff's file. Wasco State Prison  
is in Kern County, which is also in the Eastern District of California.

1 citizenship may, except as otherwise provided by law, be brought only in (1) a  
2 judicial district where any defendant resides, if all defendants reside in the same  
3 State, (2) a judicial district in which a substantial part of the events or omissions  
4 giving rise to the claim occurred, or a substantial part of property that is the  
5 subject of the action is situated, or (3) a judicial district in which any defendant  
6 may be found, if there is no district in which the action may otherwise be brought.”  
7 28 U.S.C. § 1391(b); see *Costlow v. Weeks*, 790 F.2d 1486 (9th Cir. 1986)  
8 (applying § 1391(b) to § 1983 claim).

9 All defendants in this action reside in the Eastern District of California.  
10 Plaintiff alleges that Defendants mistakenly affixed an “R” suffix to his custody  
11 designation in 2006. All of the events or omissions giving rise to Plaintiff’s claims  
12 occurred in the Eastern District.

13 Accordingly, Plaintiff must explain why the Court should not transfer the  
14 case to the United States District Court for the Eastern District of California. See  
15 *Costlow*, 790 F.2d at 1488 (“the district court ha[s] the authority to raise the issue  
16 of defective venue on its own motion”); see 28 U.S.C. § 1406(a) (“The district  
17 court of a district in which is filed a case laying venue in the wrong . . . district,  
18 shall dismiss, or if it be in the interest of justice, transfer such case to any district .  
19 . . in which it could have been brought.”).

20 IT IS THEREFORE ORDERED that, on or before **March 6, 2009**, Plaintiff  
21 shall show cause, if there be any, why this Court should not transfer the case to  
22 the Eastern District of California.

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24  
25 DATED: February 9, 2009



ALICIA G. ROSENBERG  
United States Magistrate Judge