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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KURT JOHNSON,

Plaintiff,

No. 2:13-cv-0144 JFM (PC)

vs.

JEYSEN RELVES, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a federal prisoner proceeding pro se, has filed a civil rights action alleging claims under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). Plaintiff has filed an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This court will not rule on plaintiff’s application to proceed in forma pauperis.

The federal venue statute provides that a civil action “may be brought in (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) if there is no district in which an action may otherwise be brought as

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1 provided in this action, any judicial district in which any defendant is subject to the court's
2 personal jurisdiction with respect to such action." 28 U.S.C. § 1391(b).

3 In this case, none of the defendants reside in this district. The claim arose in
4 Santa Barbara County, which is in the Central District of California. Therefore, plaintiff's claim
5 should have been filed in the United States District Court for the Central District of California.
6 In the interest of justice, a federal court may transfer a complaint filed in the wrong district to the
7 correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir.
8 1974).

9 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the
10 United States District Court for the Central District of California.

11 DATED: February 6, 2013.

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14 UNITED STATES MAGISTRATE JUDGE

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