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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH TROTTER,  
Plaintiff,  
v.  
LINDA WHITTLESEY,  
Defendant.

No. 2:17-cv-15-JAM-KJN PS

ORDER

Plaintiff Joseph Trotter, who proceeds in this action without counsel,<sup>1</sup> has requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF No. 2.) After carefully reviewing plaintiff’s complaint, the court concludes that the action should be transferred to the United States District Court for the Central District of California.

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 provided in this section, any judicial district in which any defendant is subject to the court’s personal

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<sup>1</sup> This case proceeds before the undersigned pursuant to Local Rule 302(c)(21).

1 jurisdiction with respect to such action.” 28 U.S.C. § 1391(b).

2 In this case, plaintiff alleges that, from about April 2015 to August 2016, he was subjected  
3 to discrimination, harassment, retaliation, and other violations by defendant Linda Whittlesey, the  
4 property owner at plaintiff’s previous home in Lancaster, California. Defendant is alleged to  
5 reside in Arcadia, California, and it appears that plaintiff now lives in Sacramento, California.

6 (See generally ECF No. 1.)

7 In light of the foregoing, this district is not the proper venue for this action. For purposes  
8 of 28 U.S.C. § 1391(b)(1), defendant does not reside in this district, because Arcadia, California  
9 is located in Los Angeles County, which is in the Central District of California. Additionally, for  
10 purposes of 28 U.S.C. § 1391(b)(2), this district is not a district in which a substantial part of the  
11 events or omissions giving rise to the claims occurred. As plaintiff himself alleges, all violations  
12 at issue took place in Lancaster, California, which is also located in Los Angeles County, in the  
13 Central District of California. Even though plaintiff presently resides in Sacramento County, a  
14 plaintiff’s county of residence is not relevant in determining proper venue. Furthermore, 28  
15 U.S.C. § 1391(b)(3) does not apply in this case, because there is another district in which this  
16 action may be brought—the Central District of California.

17 “The district court of a district in which is filed a case laying venue in the wrong division  
18 or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or  
19 division in which it could have been brought.” 28 U.S.C. § 1406(a). Here, filing in this district  
20 appears to have been an inadvertent error by a pro se plaintiff unfamiliar with the procedural rules  
21 of venue. As such, the court finds that transfer in lieu of dismissal is appropriate.

22 Therefore, the court transfers this action to the Central District of California. In light of  
23 the transfer, the court declines to rule on plaintiff’s pending motion to proceed *in forma pauperis*,  
24 which will be resolved by the Central District of California. In transferring this action, this court  
25 also expresses no opinion regarding the merits of plaintiff’s claims.

26 Accordingly, IT IS HEREBY ORDERED that:

- 27 1. The action, including plaintiff’s pending motion to proceed *in forma pauperis*, is  
28 TRANSFERRED to the United States District Court for the Central District of

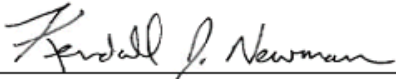
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California pursuant to 28 U.S.C. § 1406(a).

2. The Clerk of Court shall close this case.<sup>2</sup>

IT IS SO ORDERED.

Dated: January 5, 2017

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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<sup>2</sup> Plaintiff is instructed to direct any filings or inquiries related to this case to the United States District Court for the Central District of California. Further information regarding that court's Local Rules and procedures can be obtained on the court's website at <https://www.cacd.uscourts.gov/> or by telephone at (213) 894-1565. *Plaintiff is cautioned that further filings in the Eastern District of California related to this case will be disregarded.*