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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSEPH LEWIS FAYUANT,
Plaintiff,

Case No. 1:17-cv-01129-AWI-SKO

v.

ORDER TRANSFERRING CASE

CDCR DIVISION OF ADULT PAROLE
OPERATIONS, and PAROLE AGENT
HOGAN,

Defendants.

On August 22, 2017, Plaintiff Joseph Lewis Fayuant, a state prisoner proceeding *pro se*, filed a complaint against Defendants CDCR Division of Adult Parole Operations and “Parole Agent Hogan,” along with an application to proceed *in forma pauperis*. (Docs. 1 & 2.) The complaint purports to allege claims pursuant to 42 U.S.C. § 1983 for violations of “Article I, section 8, Amendment fourteen, and Amendment eight,” apparently arising from events that occurred while Plaintiff was on supervised parole in Lancaster, California. (Doc. 1 at 1, 3.)

1 The federal venue statute requires that a civil action, other than one based on diversity
2 jurisdiction, be brought only in “(1) a judicial district in which any defendant resides, if all
3 defendants are residents of the State in which the district is located; (2) a judicial district in which
4 a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part
5 of property that is the subject of the action is situated; or (3) if there is no district in which an
6 action may otherwise be brought as provided in this section, any judicial district in which any
7 defendant is subject to the court's personal jurisdiction with respect to such action.” 28 U.S.C. §
8 1391(b).

9 Although Plaintiff is currently housed at the California State Prison in Corcoran,
10 California, it appears that none of the defendants reside in this district.¹ The claim arose in
11 Lancaster, California, located in Los Angeles County, which is in the Western Division of the
12 Central District of California. Therefore, Plaintiff’s claim should have been filed in the United
13 States District Court for the Central District of California, Western Division. In the interest of
14 justice, a federal court may transfer a complaint filed in the wrong district to the correct district.
15 See 28 U.S.C. § 1406(a); *Abrams Shell v. Shell Oil Co.*, 165 F. Supp. 2d 1096, 1103 (C.D. Cal.
16 2001).

17 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
18 States District Court for the Central District of California, Western Division.

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20 IT IS SO ORDERED.

21 Dated: August 24, 2017

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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¹ Defendant “Parole Agent Hogan’s” place of employment is listed in Lancaster, California. (Doc. 1 at 2.)