

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 17-6283 PA(MRW) CV 17-6695 PA (MRW)	Date	April 30, 2018
Title	Osuna v. CDCR Officers (Manzanalez) Osuna v. CDCR Officers (Wadle)		

Present: The Honorable Michael R. Wilner

Veronica Piper

n/a

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

None present

None present

Proceedings: ORDER TO SHOW CAUSE RE: TRANSFER OF ACTIONS

1. These are two civil rights actions involving a prisoner in state custody. Plaintiff alleges that he was assaulted and mistreated by various correctional officers in separate incidents in April (17-6695) and May (17-6283) 2017. (Complaints.) The Court recently reassigned both cases to Magistrate Judge Wilner for consideration upon the retirement of the previous judge.

2. Plaintiff filed both of the civil rights actions in the United States District Court for the Central District of California. The Central District encompasses Los Angeles County and six other specified counties.¹ 28 U.S.C. § 84(c). However, both of the incidents described in Plaintiff's complaints occurred at the state prison in Corcoran, California. Corcoran is in Kings County. Venue for actions that arise in that county is appropriate in the federal court for the Eastern District of California. 28 U.S.C. § 84(b).

3. Federal law [28 U.S.C. § 1404(a)] states that, “[f]or the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.” In the present action, it is likely that Plaintiff, the named defendants, and other prison-based witnesses who may be involved in the actions live in the Eastern District. Further, the federal court in the Eastern District – which has considerable familiarity with conduct occurring in state prisons in the region – has great experience in handling and resolving prison-related claims such as Plaintiff's.

¹ The Court is aware that Plaintiff previously pursued a successful civil rights actions in this Court against the Los Angeles Police Department. Osuna v. Erives, CV 12-2475 PA (JCG) (C.D. Cal.). Plaintiff apparently filed that action in the correct federal court.

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4. The Court is likely to transfer the action from the Central District to the Eastern District for the reasons stated above. However, before doing so, it is appropriate to solicit his views (if any) on the subject. Therefore, Plaintiff is ordered to submit a single statement (not to exceed five pages) by May 31 regarding the potential transfer of these actions to the federal court in the Eastern District. If Plaintiff does not object to the transfer, he may inform the Court of this.

5. In the interests of justice and to avoid Plaintiff having to pay unnecessary fees, the Court defers consideration of Plaintiff's applications for in forma pauperis treatment. If the cases are transferred to the federal court for the Eastern District, that court may take appropriate action on the applications.

Failure to file a timely submission as directed above will result in a recommendation that this action be dismissed for failure to prosecute and obey Court orders pursuant to Federal Rule of Civil Procedure 41(b).