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

TYRONE WALLACE,

Plaintiff,

No. CIV S-09-0587 DAD P

vs.

FEDERAL BUREAU OF PRISONS,
et al.,

Defendants.

ORDER

_____/

Plaintiff, a federal prisoner proceeding pro se, has filed a civil rights action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), together with a request to proceed in forma pauperis. In light of 1996 amendments to 28 U.S.C. § 1915, this court will not rule on plaintiff's request to proceed in forma pauperis.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same State, (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) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

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

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. This court has not ruled on plaintiff's request to proceed in forma pauperis; and
- 9 2. This matter is transferred to the United States District Court for the Central
10 District of California.

11 DATED: March 17, 2009.

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15 DALE A. DROZD
16 UNITED STATES MAGISTRATE JUDGE

15 DAD:9:kly
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