

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

<b>Case No.</b>	SA CV 17-1009 JAK (MRW)	<b>Date</b>	July 11, 2017
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<b>Title</b>	Mitchell v. Beard
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<b>Present: The Honorable</b>	Michael R. Wilner
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Veronica Piper	n/a
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Deputy Clerk	Court Reporter / Recorder
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Attorneys Present for Plaintiff:	Attorneys Present for Defendant:
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None present	None present
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**Proceedings:** ORDER TO SHOW CAUSE RE: TRANSFER OF ACTION

1. This is a civil rights action. Plaintiff alleges that he was injured by other inmates while in prison. He contends that his injuries were the result of the failure of CDCR officials to properly implement procedures to protect him in custody. Plaintiff also complains about the level of medical care he subsequently received from a prison physician.

2. Plaintiff currently lives in Brea, California. That is located in the Central District of California, which is the federal judicial district in which he filed this civil case. However, it is apparent from the face of the complaint that the alleged misconduct for which he seeks relief occurred when he was housed at a state prison facility (California Substance Abuse Treatment Facility) in Corcoran, California. Corcoran is in Kings County. Venue for actions that arise in that region is appropriate in the federal court for the Eastern District of California.

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 the defendants and other prison-based witnesses who may be involved in the action 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.

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 statement (not to exceed five pages) by August 1 regarding the potential transfer of this action to the federal court in the Eastern District. If Plaintiff does not object to the transfer, he may inform the Court of this.

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**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).**