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

MICHAEL PETERSEN,
Plaintiff,

CASE NO. CV F 07-0646 LJO DLB
ORDER TO TRANSFER ACTION

vs.

CALIFORNIA SPECIAL EDUCATION
HEARING OFFICE, et al.,
Defendants.

“Parent pro se” plaintiff Michael Peterson (“plaintiff”) appears to attempt to proceed on behalf of his son in this purported civil rights action under 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 1391(b), a civil action (other than one based on diversity jurisdiction) may 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 the 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. In the interest of justice, a federal court may transfer a complaint filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

Plaintiff’s complaint indicates that claims at issue arose in Contra Costa County. The complaint specifically alleges that “at all relevant times” plaintiff and his son resided in Contra Costa County and that defendants were located in Contra Costa and Sacramento counties. The Fresno Division of this

1 Court is not the proper venue to hear cases arising out of Contra Costa and Sacramento counties. Based
2 on the complaint, the Northern District of California is the appropriate district to hear this action.
3 Accordingly, this Court TRANSFERS this action to the United States District Court for the Northern
4 District of California.

5 By this order, this Court does not rule on plaintiff's ability or standing as a non-attorney to
6 represent his son.

7 This Court DIRECTS the clerk to take necessary action to transfer this action to the United States
8 District Court for the Northern District of California.

9 IT IS SO ORDERED.

10 **Dated:** May 1, 2007

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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