

1
2
3
4
5
6
7

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

10
11 ARMEL HUNT, 1:07-cv-00916-OWW-SMS (PC)
12 Plaintiff,

13 vs. ORDER TRANSFERRING CASE
14 CARMEN CAROUSO,
15 Defendant.

16 Plaintiff, a civil detainee proceeding pro se, has filed a civil rights action pursuant to 42
17 U.S.C. § 1983, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

18 The federal venue statute requires that a civil action, other than one based on diversity
19 jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants
20 reside in the same state, (2) a judicial district in which a substantial part of the events or omissions
21 giving rise to the claim occurred, or a substantial part of the property that is the subject of the action
22 is situated, or (3) a judicial district in which any defendant may be found, if there is no district in
23 which the action may otherwise be brought.” 28 U.S.C. § 1331(b).

24 In this case, none of the defendants reside in this district. The claim arose in Napa County,
25 which is in the Northern District of California. Therefore, plaintiff’s claim should have been filed in
26 the United States District Court for the Northern District of California. In the interest of justice, a
27 federal court may transfer a complaint filed in the wrong district to the correct district. See 28

1 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

2 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States
3 District Court for the Northern District of California.

4
5 IT IS SO ORDERED.

6 **Dated: June 29, 2007**

7 /s/ Sandra M. Snyder
8 UNITED STATES MAGISTRATE JUDGE

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28