

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

JOSE S. PEREZ,

1:09-cv-00644-SMS (PC)

Plaintiff,

ORDER TRANSFERRING CASE TO THE  
WESTERN DISTRICT OF TEXAS

vs.

(Doc. 1)

UNKNOWN, et al.,

Defendants.

Plaintiff is a federal prisoner proceeding pro se and in forma pauperis in this civil action. 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 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.” 28 U.S.C. § 1391(b).

In this case, none of the defendants reside in this district. The claim arose in El Paso County, which is in the Western District of Texas. Therefore, plaintiff’s claim should have been filed in the United States District Court for the Western District of Texas. 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).

1           Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States  
2 District Court for the Western District of Texas.

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4 IT IS SO ORDERED.

5 **Dated: April 13, 2009**

**/s/ Sandra M. Snyder**  
UNITED STATES MAGISTRATE JUDGE

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