

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

11 ANTHONY L. ADRAGNA, 1:09-cv-00782 AWI DLB (HC)
12
13 Petitioner,
14 vs.
15 GONZALES,
16 Respondent.
ORDER TRANSFERRING CASE TO THE
UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF
CALIFORNIA

19 Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28
20 U.S.C. § 2254, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

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

27 In this case, the petitioner is challenging a conviction from Santa Clara County, which is in the
28 Northern District of California. Therefore, the petition should have been filed in the United States

1 District Court for the Northern District of California. In the interest of justice, a federal court may
2 transfer a case filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v.
3 McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

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

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7 IT IS SO ORDERED.

8 Dated: April 15, 2010

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/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE