

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

FRAN RODRIGUEZ,)	1:09-cv-1912 GSA
)	
)	ORDER TO SHOW CAUSE
Plaintiff,)	WHY THIS CASE SHOULD NOT
)	BE TRANSFERRED
vs.)	
)	
MICHAEL J. ASTRUE, Commissioner,)	
)	
Defendant.)	

On October 30, 2009, Plaintiff filed a Complaint seeking a review of the denial of her application for disability benefits. The briefing was completed on September 29, 2010. A review of the record indicates that Plaintiff's administrative hearing was held in Fresno, California and at one time Plaintiff lived in Madera, California. However, Plaintiff resided in Monterey, California at the time this action was filed. (*See*, Civil Cover Sheet, at Doc. 4).

Federal law is clear on the issue of venue in Social Security cases; the claimant must file suit in the judicial district where he or she resides, or has a principal place of business. 42 U.S.C. § 405(g). If the claimant files in the wrong district, then the Court may transfer venue to the proper district. *Id.* In this instance, because Plaintiff was residing in Monterey, California at the time the

1 action was initiated, it appears that the case should have been filed in the United States District
2 Court, Northern District of California. Plaintiff shall show cause why this case should not be
3 transferred to the United States District Court, Northern District of California. Plaintiff is
4 ORDERED to file a response to this Order to Show Cause WITHIN **ten (10)** days of the date of this
5 Order. Failure to respond to this order may result in the transferring of this case and the imposition
6 of sanctions.

7 IT IS SO ORDERED.

8 **Dated: October 13, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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