(HC) Saenz v. Cate	<del>9</del> I	Doc.	3
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8	IN THE UNITED STATES DISTRICT COURT		
9	FOR THE EASTERN DISTRICT OF CALIFORNIA		
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11	MICHAEL SAENZ,	1:10-cv-02035-GSA (HC)	
12	Petitioner,	ORDER TRANSFERRING CASE TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA	
13	vs.		
14	MATTHEW CATE,	CALII ORWA	
15	Respondent.		
16	/		
17			
18	Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28		
19	U.S.C. § 2254, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.		
20	The federal venue statute requires that a civil action, other than one based on diversity		
21	jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all defendants reside		
22	in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise		
23	to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or		
24	(3) a judicial district in which any defendant may be found, if there is no district in which the action may		
25	otherwise be brought." 28 U.S.C. § 1391(b).		
26	In this case, the petitioner is challenging a conviction from Orange County, which is in the Central		
27	District of California. Therefore, the petition should have been filed in the United States District Court		
28	for the Central District of California. In the i	nterest of justice, a federal court may transfer a case 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). Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States District Court for the Central District of California. IT IS SO ORDERED. Dated: November 9, 2010 /s/ **Gary S. Austin**UNITED STATES MAGISTRATE JUDGE