

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

11 MICHAEL O'NEAL, 1:10-CV-02344-DLB (PC)
12 Plaintiff, ORDER TRANSFERRING CASE TO THE
13 v. CENTRAL DISTRICT OF CALIFORNIA
14 D. LEE, et al.,
15 Defendants.

17 Plaintiff, a California state prisoner proceeding pro se, has filed a civil rights action pursuant
18 to 42 U.S.C. § 1983.

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

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

1 28 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 Central District of California.

4 IT IS SO ORDERED.

5 Dated: January 21, 2011

/s/ **Dennis L. Beck**
6 UNITED STATES MAGISTRATE JUDGE

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28