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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 GUADALUPE RAMOS RIVERA,

1:11-cv-00100-SKO (HC)

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13 Petitioner,

ORDER TRANSFERRING CASE TO THE
UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF
CALIFORNIA

14 vs.

15 KELLY HARRINGTON, et al,

16
17 Respondent.
18 _____ /
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20 Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28
21 U.S.C. § 2254.

22 The federal venue statute requires that a civil action, other than one based on diversity
23 jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants
24 reside in the same state, (2) a judicial district in which a substantial part of the events or omissions
25 giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is
26 situated, or (3) a judicial district in which any defendant may be found, if there is no district in which
27 the action may otherwise be brought.” 28 U.S.C. § 1391(b).

28 In this case, the petitioner is challenging a conviction from Los Angeles County, which is in the

1 Central District of California. Therefore, the petition should have been filed in the United States District
2 Court for the Central District of California. In the interest of justice, a federal court may transfer a case
3 filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d
4 918, 932 (D.C. Cir. 1974).

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

7 **Dated: January 25, 2011**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE