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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 TONY BLACKMAN,

1:11-cv-01207-GBC (PC)

12 Plaintiff,

ORDER TRANSFERRING CASE TO THE
NORTHERN DISTRICT OF CALIFORNIA

13 v.

14 MICORMIC, et al.,

15 Defendants.
16 _____/

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

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

26 In this case, none of the Defendants reside in this District. The claim arose in
27 Monterrey County, which is in the Northern District of California. Therefore, Plaintiff’s claim
28 should have been filed in the United States District Court for the Northern District of

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

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

6 IT IS SO ORDERED.

7 Dated: July 23, 2011


UNITED STATES MAGISTRATE JUDGE