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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL HALTOM,)	Case No.: 1:11-cv-01439-LJO-SMS
)	
Plaintiff,)	
)	
v.)	ORDER TO SHOW CAUSE
)	WHY THIS CASE SHOULD NOT
)	BE TRANSFERRED
MICHAEL J. ASTRUE,)	FOR IMPROPER VENUE
Commissioner of Social Security,)	
)	
Defendant.)	
)	

On August 25, 2011, Plaintiff filed the above-captioned action in this Court. Plaintiff seeks review of the Commissioner's denial of his application for benefits. In his complaint, Plaintiff alleges that because he is a resident of Fresno County, venue is proper in the Fresno Division of the U.S. District Court for the Eastern District of California. The Court finds nothing in the record, however, that indicates Plaintiff currently resides in Fresno County or in a county that is within the Fresno Division. To the contrary, various documents in the administrative record, such as the notice of the Appeals Council's June 24, 2011 denial of review, were sent to Plaintiff in Thornton, California, which is in San Joaquin County. AR 1. San Joaquin County cases are properly venued before the Sacramento Division of the Eastern District.

Federal law is clear on the issue of venue: a claimant aggrieved by the Commissioner's administrative decision must file suit in the judicial district in which he or she resides or has a

1 principal place of business. 42 U.S.C. § 405(g). If a claimant files in the wrong district, the
2 Court may transfer venue to the proper district. Because the evidence contained in the
3 Administrative Record does not comport with the Civil Cover Sheet that Plaintiff submitted as to
4 his place of residence, Plaintiff shall file a declaration under penalty of perjury setting forth his
5 address at the time he filed his complaint and his current address, to the extent it has changed
6 since August 25, 2011, including as numbered appendices documentary evidence sufficient to
7 support his declaration. To the extent Plaintiff's place of residence is not within the Eastern
8 District of California or within the Fresno division of the Eastern District, Plaintiff must also
9 show cause why this case should not be transferred to the appropriate district court or division.

10 Accordingly, IT IS HEREBY ORDERED that **on or before January 4, 2013**:

- 11 1. Plaintiff shall file a declaration signed under penalty of perjury setting forth his
12 place of residence at the time he filed the complaint in this matter and his current
13 residential address, to the extent it has changed since August 25, 2011; and
- 14 2. To the extent Plaintiff's place of residence is not within the Eastern District or
15 within the counties of the Fresno Division of the Eastern District, Plaintiff shall
16 show cause why this case should not be transferred to the appropriate district or
17 division.

18
19 IT IS SO ORDERED.

20 **Dated: December 20, 2012**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE