

## UNITED STATES DISTRICT COURT

## EASTERN DISTRICT OF CALIFORNIA

1 MICHELLE LINGENFELTER, ) Case No.: 1:12-CV-00047-LJO-SKO  
2 )  
3 Plaintiff, )  
4 )  
5 v. )  
6 MICHAEL J. ASTRUE, ) **ORDER TO FILE DECLARATION  
7 Commissioner of Social Security, ) SUBSTANTIATING PLAINTIFF'S  
8 ) PLACE OF RESIDENCE AND SHOW  
9 ) CAUSE WHY THE CASE SHOULD NOT  
10 ) BE TRANSFERRED  
11 )  
12 )  
13 )  
14 Defendant. )  
15 )**

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17 On January 9, 2012, Plaintiff filed the present action in this Court. Plaintiff seeks review of  
18 the Commissioner's denial of her application for benefits. In her complaint, Plaintiff asserts that  
19 venue is proper in this district because she is a resident of Fresno County. (Docs. 1, 2.) However,  
20 the Court finds nothing in the record that indicates Plaintiff currently resides in Fresno County. For  
21 example, notice of the Appeals Council's November 8, 2011, denial of review was sent to Plaintiff  
22 in Santa Clara, California. (Administrative Record ("AR") 1.) The hearing before the  
23 Administrative Law Judge took place in San Jose, California. (AR 68.) The appointment of  
24 representative form that Plaintiff completed reflects that she resides in Santa Clara, California.  
25 (AR 110.)

26 Federal law is clear on the issue of venue; the claimant must file suit in the judicial district  
27 where he or she resides, or has a principal place of business. 42 U.S.C. § 405(g). If the claimant  
28 files suit in the wrong district, the Court may transfer venue to the proper district. Because the

1 evidence contained in the Administrative Record does not comport with the Civil Cover Sheet  
2 Plaintiff submitted as to her place of residence, Plaintiff shall file a declaration under penalty of  
3 perjury setting forth her address at the time she filed her complaint and her current address, to the  
4 extent it has changed since January 9, 2012. In support of her declaration, Plaintiff shall provide  
5 documentary evidence sufficient to establish her residential address at the time she filed her  
6 complaint, and her current address to the extent it has changed since January 9, 2012, such as a utility  
7 statement. To the extent Plaintiff's place of residence is not within this district, Plaintiff should show  
8 cause why this case should not be transferred to the appropriate district court.

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

10 1. Plaintiff shall file a declaration signed under penalty of perjury setting forth her place  
11 of residence at the time she filed her complaint in this matter and her current  
12 residential address, to the extent it has changed since January 9, 2012; and  
13 2. To the extent Plaintiff's place of residence is not within this district, Plaintiff shall  
14 show cause why this case should not be transferred to the appropriate district court.

15  
16  
17 IT IS SO ORDERED.

18 Dated: December 18, 2012

19 /s/ Sheila K. Oberto  
20 UNITED STATES MAGISTRATE JUDGE