

1  
2  
3  
4  
5  
6 **UNITED STATES DISTRICT COURT**7 **EASTERN DISTRICT OF CALIFORNIA**8 DESIREE HODGENS,  
9 )Case No.: 1:12-cv-00471-LJO-SKO  
)10 Plaintiff,  
)11 v.  
)12 MICHAEL J. ASTRUE,  
13 Commissioner of Social Security,  
)14 Defendant.  
)  
15 )  
16 )**ORDER TO FILE DECLARATION  
SUBSTANTIATING PLAINTIFF'S  
PLACE OF RESIDENCE AND SHOW  
CAUSE WHY THE CASE SHOULD NOT  
BE TRANSFERRED**

17 On March 28, 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 or in  
21 a county that is within this district. For example, notice of the Appeals Council's January 31, 2012,  
22 denial of review was sent to Plaintiff in San Jose, California. (Administrative Record ("AR") 1.)  
23 The hearing before the Administrative Law Judge took place in San Jose, California. (AR 25.) The  
24 appointment of representative form that Plaintiff completed reflects that she resides in San Jose,  
25 California. (AR 128.)

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 March 28, 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 March 28, 2012, such as a  
7 utility statement. To the extent Plaintiff's place of residence is not within this district, Plaintiff shall  
8 show 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 March 28, 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**

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE