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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BRIAN KEITH STAFFORD,	)	No. C 12-3355 JSW (PR)
Plaintiff,	)	<b>ORDER OF TRANSFER</b>
v.	)	
P.D. BRAZELTON, Warden,	)	(Docket Nos. 5, 6)
Defendant.	)	

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Plaintiff, a California prisoner incarcerated at Pleasant Valley State Prison (“PVSP”), wrote a letter to this Court complaining of conditions there. He was instructed to file a complaint if he wanted to proceed with his claims. In response, he filed a motion for an extension of time in which to file such a complaint. In his motion he indicates that he wishes to pursue claims against PVSP officials based upon events occurring there.

When, as here, jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. § 1406(a). Venue may be raised by the court *sua sponte* where the defendant has not yet

1 filed a responsive pleading and the time for doing so has not run. *Costlow v. Weeks*, 790  
2 F.2d 1486, 1488 (9th Cir. 1986).


3 Plaintiff's claims arise out of events occurring at PVSP in Coalinga, California,  
4 where Defendants are located. Coalinga lies within the venue of the United States  
5 District Court for the Eastern District of California.

6 Accordingly, IT IS ORDERED in the interest of justice, and pursuant to 28 U.S.C.  
7 § 1406(a), that this action be TRANSFERRED to the United States District Court for the  
8 Eastern District of California. Ruling on Plaintiff's motions for an extension of time and  
9 for leave to proceed in forma pauperis are deferred to the Eastern District.

10 The Clerk of the Court shall terminate the motions from this Court's docket  
11 (docket numbers 5 and 6) and shall transfer this matter forthwith.

12 IT IS SO ORDERED.

13 DATED: October 11, 2012

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16 JEFFREY S. WHITE  
17 United States District Judge  
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1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5 BRIAN-KEITH STAFFORD,  
6  
7 Plaintiff,

Case Number: CV12-03355 JSW

**CERTIFICATE OF SERVICE**

8 v.

9 / et al,

10 Defendant.  
\_\_\_\_\_ /

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
12 Court, Northern District of California.

13 That on October 11, 2012, I SERVED a true and correct copy(ies) of the attached, by placing  
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
15 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office  
16 delivery receptacle located in the Clerk's office.

17 Brian Keith Stafford  
18 E97271  
19 P.O. Box 8500  
20 Coalinga, CA 93210-8500

21 Dated: October 11, 2012



22 Richard W. Wieking, Clerk  
23 By: Jennifer Ottolini, Deputy Clerk  
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