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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF CALIFORNIA
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9 ALLEN REED KNESS,

1:12-cv-02046-MJS (PC)

10 Plaintiff,

ORDER TRANSFERRING CASE TO THE
CENTRAL DISTRICT OF CALIFORNIA

11 vs.

12 PAUL M. PHILIPS,

13 Defendant.
14 _____/

15 Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to
16 42 U.S.C. § 1983, (Compl., ECF No. 1), together with an application to proceed in forma
17 pauperis pursuant to 28 U.S.C. § 1915. (Mot. IFP, ECF No. 2.)

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

25 In this case, none of the Defendants reside in this district. The claim arose in San
26 Luis Obispo County, which is in the Central District of California. Therefore, Plaintiff's claim
27 should have been filed in the United States District Court for the Central District of
28 California. In the interest of justice, a federal court may transfer a complaint filed in the

1 wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512
2 F.2d 918, 932 (D.C. Cir. 1974).

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. This matter is transferred to the United States District Court for the Central
5 District of California, and
- 6 2. This Court has not ruled on Plaintiff's application to proceed in forma
7 pauperis.

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9 IT IS SO ORDERED.

10 Dated: December 26, 2012

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE