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8   IN THE UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 TONY BLACKMAN,   1:13-cv-00397-BAM (PC)

12   Plaintiff,   ORDER TRANSFERRING CASE TO THE
                                                NORTHERN DISTRICT OF CALIFORNIA
13 vs.

14 J. D. LOZANO, et al,

15   Defendants.

16 _____/

17   Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to

18 42 U.S.C. § 1983.

19   The federal venue statute requires that a civil action, other than one based on diversity

20 jurisdiction, be brought only in "(1) a judicial district in which any defendant resides, if all

21 defendants are residents of the State in which the district is located; (2) a judicial district in which a

22 substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of

23 property that is the subject of the action is situated; or (3) if there is no district in which an action

24 may otherwise be brought as provided in this section, any judicial district in which an defendant is

25 subject to the court's personal jurisdiction with respect to such action." 28 U.S.C. § 1391(b).

26   In this case, none of the defendants reside in this district. The claim arose in Monterey

27 County, which is in the Northern District of California. Therefore, plaintiff's claim should have

28 been filed in the United States District Court for the Northern District of California. In the interest

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1 of justice, a federal court may transfer a complaint filed in the wrong district to the correct district.

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

3   Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States

4 District Court for the Northern District of California.

5   IT IS SO ORDERED.

6 **Dated:** **March 28, 2013**   **/s/ Barbara A. McAuliffe**
                                           UNITED STATES MAGISTRATE JUDGE