

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

COREY LAMAR SMITH et al.,
Plaintiffs,
v.
JEFFREY A. BEARD et al.,
Defendants.

No. 2:13-cv-2254 DAD P

ORDER

Plaintiffs, state prisoners proceeding through counsel, have filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiffs have paid the filing fee for this action.

The federal venue statute provides that a civil action

may be brought in (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located, (2) a judicial 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) if there is no district in which an action may otherwise be brought as provided in this action, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b).

Upon reviewing the complaint, the court finds that venue is more appropriate over this civil action in the Fresno Division of this court. Plaintiffs' complaint concerns their allegedly unconstitutional transfer to, and acceptance for imprisonment at, Pleasant Valley State Prison,

1 Avenal State Prison, and C.C.I. Tehachapi, where they contracted Coccidioidomycosis or “Valley
2 Fever.” Witnesses and the evidence necessary for the resolution of plaintiffs’ claims would
3 appear to be more readily available within the boundaries of the Fresno Division of this court
4 where all of the institutions at issue are located. Therefore, in the interest of justice, the court will
5 transfer this action to the Fresno Division of the court. See 28 U.S.C. § 1406(a).

6 Good cause appearing, IT IS HEREBY ORDERED that:

7 1. This action is transferred to the United States District Court for the Eastern District of
8 California sitting in Fresno; and

9 2. All future filings shall reference the new Fresno case number assigned and shall be
10 filed at:

11 United States District Court
12 Eastern District of California
13 2500 Tulare Street
14 Fresno, CA 93721

15 Dated: January 15, 2014

16 DAD:9
17 smit2254.21a

18 
19 _____
20 DALE A. DROZD
21 UNITED STATES MAGISTRATE JUDGE
22
23
24
25
26
27
28