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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 JOSE LUIS MORALES,

12 Plaintiff,

13 vs.

14 GREG LEWIS, et al.,

15 Defendants.
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1:14-cv-00165-GSA-PC

ORDER DENYING MOTION FOR
CHANGE OF VENUE
(Doc. 8.)

21 **I. BACKGROUND**

22 Jose Luis Morales ("Plaintiff") is a prisoner proceeding pro se and in forma pauperis in
23 this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing
24 this action on February 6, 2014. (Doc. 1.) On March 3, 2014, Plaintiff consented to Magistrate
25 Judge jurisdiction in this action pursuant to 28 U.S.C. § 636(c), and no other parties have made
26 an appearance. (Doc. 4.) Therefore, pursuant to Appendix A(k)(4) of the Local Rules of the
27 Eastern District of California, the undersigned shall conduct any and all proceedings in the case
28 until such time as reassignment to a District Judge is required. Local Rule Appendix A(k)(3).

1 The court screened the Complaint and issued an order on November 24, 2014,
2 dismissing the Complaint for failure to state a claim and requiring Plaintiff to file an amended
3 complaint within thirty days. (Doc. 7.) On December 22, 2014, Plaintiff filed a motion for
4 change of venue, which is now before the court. (Doc. 8.)

5 **II. PLAINTIFF’S MOTION**

6 Plaintiff brings a motion for change of venue from the Eastern District of California to
7 the Northern District of California, because some of his claims in the Complaint arose from
8 events occurring in the Northern District. Plaintiff asserts that his remaining claims, against
9 defendants residing in the Eastern District, are insufficient for Plaintiff to move forward.
10 Plaintiff requests the court to transfer this case to the Northern District, where he will amend
11 the complaint.

12 **A. Change of Venue**

13 "For the convenience of parties and witnesses, in the interest of justice, a district court
14 may transfer any civil action to any other district or division where it might have been
15 brought." 28 U.S.C. § 1404(a). The federal venue statute requires that a civil action, other than
16 one based on diversity jurisdiction, be brought only in "(1) a judicial district where any
17 defendant resides, if all defendants reside in the same State, (2) a judicial district in which a
18 substantial part of the events or omissions giving rise to the claim occurred, or a substantial part
19 of the property that is the subject of the action is situated, or (3) a judicial district in which any
20 defendant may be found, if there is no district in which the action may otherwise be brought."
21 28 U.S.C. § 1391(b). The decision to transfer venue of a civil action under § 1404(a) lies
22 soundly within the discretion of the trial court. Jones v. GNC Franchising, Inc., 211 F.3d 495,
23 498 (9th Cir. 2000).

24 **Discussion**

25 Plaintiff’s claims in the Complaint stem from events that occurred at PBSP in Crescent
26 City, California, and at Kern Valley State Prison (KVSP) in Delano, California. PBSP is
27 located within the boundaries of the Northern District of California, and KVSP is located
28 within the boundaries of the Eastern District of California. Therefore, venue for Plaintiff’s

1 claims arising at PBSP is proper in the Northern District, while venue for the claims arising at
2 KVSP is proper in the Eastern District of California.¹ Thus, the claims in this action arising at
3 PBSP could have been brought in the Northern District of California.

4 The court's November 24, 2014 order dismissed Plaintiff's Complaint in its entirety for
5 failure to state a claim, with leave to amend. (Doc. 7.) Plaintiff now seeks to proceed at the
6 Northern District of California with his claims arising there. In light of the fact that Plaintiff's
7 entire Complaint has been dismissed by this court, Plaintiff's remedy at this stage of the
8 proceedings is to file a new case at the Northern District which includes only the claims arising
9 in the Northern District. Plaintiff was advised in the court's order of November 24, 2014 that
10 his claims against defendants employed by the CDCR at PBSP should be filed in the U. S.
11 District Court for the Northern District of California. (Id. at 2 n. 2.) Accordingly, Plaintiff's
12 motion for change of venue shall be dismissed.

13 **III. CONCLUSION**

14 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's motion for change
15 of venue, filed on December 22, 2014, is DENIED.

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17 IT IS SO ORDERED.

18 Dated: January 15, 2015

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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¹ In fact, the court's order of November 24, 2014, advised Plaintiff that his claims against defendants employed by the CDCR at PBSP should be filed in the U. S. District Court for the Northern District of California. (Doc. 7 at 2 n. 2.)