1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 BEAGLE, et al., No. 2:14-cv-0410 MCE KJN P 12 Plaintiffs. 13 v. **ORDER** 14 JEFFREY A. BEARD et al., 15 Defendants. 16 17 Plaintiffs, 22 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. 18 19 The federal venue statute provides that a civil action 20 may be brought in (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the 21 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 22 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 23 otherwise be brought as provided in this action, any judicial district in which any defendant is subject to the court's personal 24 jurisdiction with respect to such action. 28 U.S.C. § 1391(b). 25 26 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 27 28 unconstitutional placement, and retention at "hyper-endemic prisons," including Pleasant Valley

State Prison, and Avenal State Prison, where they were "recklessly exposed to" and contracted Coccidioidomycosis or "Valley Fever." Witnesses and the evidence necessary for the resolution of plaintiffs' claims would appear to be more readily available within the boundaries of the Fresno Division of this court where all of the institutions at issue are located.

Moreover, there is an existing and previously-filed class action proceeding in the Fresno Division of this court, <u>Jackson</u>, et al. v. State of California, et al., Case No. 1:13-cv-1055 SAB LJO, concerning inmates' exposure to Valley Fever. Another case filed by plaintiffs' lawyers, <u>Smith</u>, et al. v. Schwarzenegger, et al., Case No. 2:13-cv-2254 DAD, also concerning inmates' exposure to Valley Fever, was transferred to the Fresno Division on January 16, 2014, assigned Case No. 1:14-cv-0060 LJO SAB, and related to the previously-filed class action, Case No. 1:13-cv-1055 SAB LJO. On March 24, 2014, after oral argument, the Honorable Dale A. Drozd reconsidered the order of transfer, but determined that the action should remain in the Fresno Division of the court. Case No. 2:13-cv-2254 DAD (ECF No. 15).

In the instant action, on February 14, 2014, plaintiffs' counsel filed a notice of objections to transfer of related actions. Counsel appended a copy of the motion for reconsideration of the transfer order in Case No. 2:13-cv-2254 DAD. The undersigned has reviewed the motion for reconsideration and considered plaintiffs' objections. However, the undersigned agrees with Judge Drozd, and finds that in the interest of justice, the instant case should also be transferred to the Fresno Division and related to the earlier-filed class action.

Therefore, in the interest of justice, the court will transfer this action to the Fresno Division of the court. <u>See</u> 28 U.S.C. § 1404(a) and Local Rule 120(f).

Good cause appearing, IT IS HEREBY ORDERED that:

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

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1	2. All future filings shall reference the new Fresno case number assigned and shall be
2	filed at: United States District Court
3	Eastern District of California 2500 Tulare Street
4	Fresno, CA 93721
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6	Dated: March 26, 2014
7	Fordal J. Newman
8	/beag0410.tf KENDALL J. NEWMAN UNITED STATES MAGISTRATE JUDGE
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