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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ABDULLE ABUKAR, et al.,

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

No. 2:14-cv-1137 TLN KJN P

ORDER

Plaintiffs, 23 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 placement, and retention at "hyper-endemic prisons," including Pleasant Valley

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

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

14 In the instant action, on May 17, 2014, plaintiffs’ counsel filed a notice of related cases,  
15 citing two of the above cases, Case Nos. 1:13-cv-1055 LJO SAB, and 1:14-cv-0060 LJO SAB, as  
16 well as Beagle v. Schwarzenegger, Case No. 1:14-cv-0430 LJO SAB.

17 The undersigned agrees with Judge Drozd, and finds that in the interest of justice, the  
18 instant case should also be transferred to the Fresno Division and related to the earlier-filed class  
19 action.

20 Therefore, in the interest of justice, the court transfers this action to the Fresno Division of  
21 the court. See 28 U.S.C. § 1404(a) and Local Rule 120(f).

22 Good cause appearing, IT IS HEREBY ORDERED that:

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

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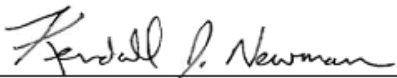
2. All future filings shall reference the new Fresno case number assigned and shall be

filed at:

United States District Court  
Eastern District of California  
2500 Tulare Street  
Fresno, CA 93721

Dated: May 29, 2014

/abuk1137.tf

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE