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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEVIN LYNELL KING,
Plaintiff,
v.
KEVIN R. CHAPPELL,
Defendant.

1:14-cv-01426-SKO (PC)
ORDER TRANSFERRING CASE TO THE
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 12, 2014.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same state, (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 the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

In this case, the plaintiff is suing the warden of San Quentin State Prison, which is in Marin County. Therefore, the plaintiff’s claim should have been filed in the United States District Court for the Northern District of California. In the interest of justice, a federal court may transfer a complaint filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a);

1 Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

2 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
3 States District Court for the Northern District of California.

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5 IT IS SO ORDERED.

6 Dated: September 15, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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