

1

2

3

4  
UNITED STATES DISTRICT COURT  
5  
NORTHERN DISTRICT OF CALIFORNIA

6

EDWARD RODRIGUEZ,

7

Plaintiff,

8

v.

9

AUDREY KING, et al.,

10

Defendants.

11

Case No. 14-cv-04545-JST (PR)

**ORDER OF TRANSFER**

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Plaintiff is a civil detainee at the Coalinga State Hospital ("Coalinga") proceeding pro se. He is detained pursuant to California's Sexually Violent Predator Act ("SVPA"). He has filed a complaint under 42 U.S.C. § 1983, complaining about the conditions of his confinement at Coalinga. Defendants are officials of Coalinga and of the California Department of Corrections and Rehabilitation in Sacramento. Both Coalinga and Sacramento lie within the venue of the United States District Court for the Eastern District of California. Venue for this case is therefore proper in the Eastern District. See 28 U.S.C. § 1391.

Petitioner also complains about the validity of his assessment as a sexually violent predator under the SVPA, which assessment took place in Santa Clara County. Challenges to the assessment itself are the province of a habeas petition, not a civil rights action, because they implicate the validity of his detention. See Hill v. McDonough, 547 U.S. 573, 579 (2006) (challenges to the lawfulness of confinement or to particulars affecting its duration are the province of habeas corpus); Nelson v. Sandritter, 351 F.2d 284, 285 (9th Cir. 1965) (constitutionality of state civil commitment proceedings are challenged in federal habeas corpus once state remedies have been exhausted). Plaintiff may challenge the validity of his assessment in this court, but he must do so by way of a habeas petition filed in a separate action from the

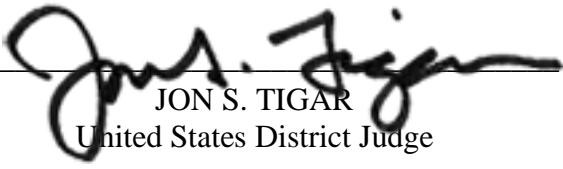
1 instant civil rights case, after exhausting state judicial remedies.

2 Accordingly, and in the interests of justice, this case is TRANSFERRED to the United  
3 States District Court for the Eastern District of California. See 28 U.S.C. 1404(a), 1406(a). In  
4 light of this transfer, the pending motion (dkt. 6) to proceed in forma pauperis is deferred to the  
5 Eastern District.

6 The Clerk shall transfer this matter forthwith.

7 **IT IS SO ORDERED.**

8 Dated: December 16, 2014

9  
10   
11 JON S. TIGAR  
12 United States District Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28