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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5

6
7 LAMAR JOHNSON,
8 Plaintiff,

No. C 14-4540 MEJ (PR)

ORDER OF TRANSFER

9 v.

10 CLIFF ALLENBY, et al.,
11 Defendants.
12 _____/

13 Plaintiff is a civil detainee at the Coalinga State Hospital ("Coalinga") proceeding pro
14 se. He is detained pursuant to California's Sexually Violent Predator Act ("SVPA"). He has
15 filed a complaint under 42 U.S.C. § 1983, complaining about the conditions of his
16 confinement at Coalinga. Defendants are officials of Coalinga and of the California
17 Department of Corrections and Rehabilitation in Sacramento. Both Coalinga and
18 Sacramento lie within the venue of the United States District Court for the Eastern District of
19 California. Venue for this case is therefore proper in the Eastern District. See 28 U.S.C.
20 § 1391.

21 Petitioner also complains about the validity of his assessment as a sexually violent
22 predator under the SVPA, which assessment took place in San Mateo County. Challenges to
23 the assessment itself are the province of a habeas petition, not a civil rights action, because
24 they implicate the validity of his detention. See Hill v. McDonough, 547 U.S. 573, 579
25 (2006) (challenges to the lawfulness of confinement or to particulars affecting its duration are
26 the province of habeas corpus); Nelson v. Sandritter, 351 F.2d 284, 285 (9th Cir. 1965)
27 (constitutionality of state civil commitment proceedings are challenged in federal habeas
28 corpus once state remedies have been exhausted). Plaintiff may challenge the validity of his

1 assessment in this court, but he must do so by way of a habeas petition filed in a separate
2 action from the instant civil rights case, after exhausting state judicial remedies.

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

7 The Clerk shall transfer this matter forthwith.

8 IT IS SO ORDERED.

9 DATED: December 16, 2014

