

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANNY JAMES COHEA, J13647, )  
Plaintiff(s), ) No. C 14-4288 CRB (PR)  
vs. ) ORDER OF TRANSFER  
M. MELO, et al., ) (Dkt #7 & 12)  
Defendant(s). )

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Plaintiff Danny James Cohea, a state prisoner incarcerated at California State Prison, Corcoran (CSP – COR) and a frequent filer in federal court, has filed a voluminous pro se civil rights complaint under 42 U.S.C. § 1983 alleging various violations of his constitutional rights at “CSP – COR” from the time he was transferred there on “January 24, 2008” “through 2013.” Compl. at 3. Among other things, plaintiff challenges the “unconstitutional application” of “sexual misconduct/sexual behavior policies” and the “use of disciplinary policies as a ruse and cover to punish plaintiff for exercising his First Amendment rights.” Id. at 5. Plaintiff properly names as defendants in this § 1983 action several state officials from the California Department of Corrections and Rehabilitation (CDCR) and from CSP – COR, but improperly names as defendants several federal officials, including a district judge of this court and dozens of other federal judges and federal court officials. See id. at 5-15.

Venue generally is proper in a judicial district in which: (1) any defendant resides, if all defendants are residents of the state in which the district is located; (2) 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) any defendant is subject to the court's personal jurisdiction, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b).

Here, a substantial part of the events or omissions giving rise to plaintiff's claims occurred, and all the viable defendants named reside, in a county within the venue of the Eastern District of California (e.g., Kings County, where CSP – COR is located, and Sacramento County, where CDCR is headquartered). See 28 U.S.C. § 84(b). Venue therefore properly lies in the Eastern District. See id. § 1391(b).

Accordingly, IT IS ORDERED that, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action be TRANSFERRED to the United States District Court for the Eastern District of California.

The clerk shall transfer this matter and terminate all pending motions (see dkt. #7 & 12) without prejudice to plaintiff renewing them in the Eastern District.

SO ORDERED.

DATED: Feb. 27, 2015

  
CHARLES R. BREYER  
United States District Judge