

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA

3
4 JOSEPH ANTHONY BROWN,
5 Petitioner,
6 v.
7 B.J. JOHNSON,
8 Respondent.

1:15-cv-01730-SKO (HC)

ORDER TRANSFERRING CASE TO THE
UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA

9
10 Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to
11 28 U.S.C. § 2241

12 The federal venue statute requires that a civil action, other than one based on diversity
13 jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all
14 defendants reside in the same state, (2) a judicial district in which a substantial part of the events
15 or omissions giving rise to the claim occurred, or a substantial part of the property that is the
16 subject of the action is situated, or (3) a judicial district in which any defendant may be found, if
17 there is no district in which the action may otherwise be brought." 28 U.S.C. § 1391(b).

18 In this case, the petitioner is challenging a conviction from Richmond County, which is in
19 the Eastern District of Virginia. Therefore, the petition should have been filed in the United
20 States District Court for the Eastern District of Virginia. In the interest of justice, a federal court
21 may transfer a case filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a);
22 Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

23 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
24 States District Court for the Eastern District of Virginia.

25 IT IS SO ORDERED.

26 Dated: December 1, 2015

27 /s/ Sheila K. Oberto
28 UNITED STATES MAGISTRATE JUDGE

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