



1 show that he is under threat of suffering an ‘injury in fact’ that is concrete and particularized; the  
2 threat must be actual and imminent, not conjectural or hypothetical; it must be fairly traceable to  
3 challenged conduct of the defendant; and it must be likely that a favorable judicial decision will  
4 prevent or redress the injury.” *Summers*, 555 U.S. at 493 (citation and quotation marks omitted);  
5 *Mayfield*, 599 F.3d at 969.

6 The medical care claims on which Plaintiff proceeds in this action arise from events which  
7 occurred at the Substance Abuse Treatment Facility (“SATF”) in Corcoran, California. However,  
8 Plaintiff is currently housed at CIM. Plaintiff thus lacks standing in this action to seek relief  
9 directed at remedying his current conditions of confinement at CIM, and Plaintiff does not seek  
10 relief in this motion against any of the defendants against whom he is proceeding in this action.  
11 As such, Plaintiff’s motion for a preliminary injunction must be denied.

12 The federal venue statute also requires that a civil action, other than one based on  
13 diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all  
14 defendants are residents of the State in which the district is located, (2) a judicial district in which  
15 a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part  
16 of the property that is the subject of the action is situated, or (3) if there is no district in which an  
17 action may otherwise be brought as provided in this section, any judicial district in which any  
18 defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. §  
19 1391(b). CIM is located within the judicial district of the United States District Court for the  
20 Central District of California. Therefore, this Court is not the proper venue for claims based on  
21 incidents which occurred at CIM.<sup>1</sup>

22 Accordingly, the Court HEREBY RECOMMENDS that Plaintiff’s motion for injunctive  
23 relief, filed on January 4, 2018, be DENIED.

24 These Findings and Recommendations will be submitted to the United States District  
25 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). **Within**  
26 **twenty-one (21) days** after being served with these Findings and Recommendations, Plaintiff

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27 <sup>1</sup> No determination is made whether Plaintiff’s allegations state cognizable claims and nothing in this order prohibits  
28 him from raising the events he alleges are occurring at CIM in another action if he feels his constitutional rights have  
been violated.

1 may file written objections with the Court. Local Rule 304(b). The document should be  
2 captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file  
3 objections within the specified time may result in the waiver of rights on appeal. *Wilkerson v.*  
4 *Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th  
5 Cir. 1991)).

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7 IT IS SO ORDERED.

8 Dated: January 8, 2018

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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