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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARVELLOUS AFRIKAN WARRIOR,
Plaintiff,
v.
LOS ANGELES SHERIFF'S
DEPARMTNET, et al.,
Defendant.

1:16-cv-01669-SAB (PC)

ORDER TRANSFERRING CASE TO THE
CENTRAL DISTRICT OF CALIFORNIA

Plaintiff is a state prisoner proceeding in forma pauperis pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on November 3, 2016. (ECF No. 1.) Plaintiff also filed a motion to proceed in forma paupers pursuant to 28 U.S.C. § 1915 that same day. (ECF No. 2.)

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

In this case, Plaintiff asserts claims against the Los Angeles County Sheriff’s Department and Keefe Commissary Network Sales, concerning events while he was held in custody in Los

1 Angeles County. Thus, none of the defendants reside in this district, and Plaintiff's claim arose in
2 Los Angeles County, which is in the Central District of California. Therefore, Plaintiff's claim
3 should have been filed in the United States District Court for the Central District of California.

4 In the interest of justice, a federal court may transfer a complaint filed in the wrong
5 district to the correct district. See 28 U.S.C. § 1406(a) (when a case has been filed in the wrong
6 district, the "district shall dismiss, or if it be in the interest of justice, transfer such case to any
7 district or division in which it could have been brought"). Additionally Local Rule 120(f),
8 provides that a civil action which has not been commenced in the proper court may, on the court's
9 own motion, be transferred to the proper court.

10 Therefore, this action will be transferred to the United States District Court for the Central
11 District of California. This court will not rule on Plaintiff's request to proceed in forma pauperis.

12 Accordingly IT IS HEREBY ORDERED that:

- 13 1. This action is this case is transferred to the United States District Court for the
14 Central District of California; and
- 15 2. This court has not ruled on Plaintiff's request to proceed in forma pauperis.

16 IT IS SO ORDERED.

17 Dated: November 14, 2016

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20 UNITED STATES MAGISTRATE JUDGE

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