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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL BLACK,
Plaintiff,
v.
Dr. C. CHIN, et al.,
Defendants.

Case No. 1:16-cv-01910-BAM (PC)

ORDER TRANSFERRING CASE TO THE
CENTRAL DISTRICT OF CALIFORNIA

Plaintiff Michael Black (“Plaintiff”), a state prisoner proceeding pro se, filed a civil rights action under 42 U.S.C. § 1983 on December 23, 2016. On that same date, he also filed a motion to proceed in forma pauperis, (ECF No. 2), and a motion for the appointment of counsel, (ECF No. 3.)

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, none of the defendants reside in this district. The claim arose out of events at the California State Prison in Lancaster, Los Angeles County, which is in the Central District of

1 California. All defendants are employed at that facility and appear to reside in that district.
2 Therefore, Plaintiff's claim should have been filed in the United States District Court for the
3 Central District of California. In the interest of justice, a federal court may transfer a complaint
4 filed in the wrong district to the correct district. *See* 28 U.S.C. § 1406(a); *District No. 1, Pacific*
5 *Coast Dist., M.E.B.A. v. State of Alaska*, 682 F.2d 797, 799 n. 3 (9th Cir. 1982).

6 Accordingly, the Court HEREBY ORDERS that:

7 1. This matter is transferred to the United States District Court for the Central District
8 of California; and

9 2. This court has not ruled on Plaintiff's request to proceed in forma pauperis, or
10 motion for the appointment of counsel.

11 IT IS SO ORDERED.

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13 Dated: December 28, 2016

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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