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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARRYL PHILLIPS,
Plaintiff,
v.
RICHARD V. SPENCER, Secretary of the
Navy,
Defendant.

No. 1:16-cv-01944-DAD-SKO

ORDER REGARDING VENUE

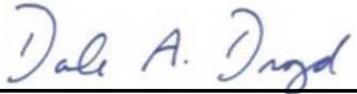
On September 28, 2017, this court granted plaintiff’s request for an extension of time to file his second amended complaint. (Doc. No. 42.) That time was then further extended by order dated November 16, 2017 following plaintiff’s ex parte application. (Doc. No. 50.) On December 15, 2017, plaintiff filed a second amended complaint. (Doc. No. 52.) In the second amended complaint, plaintiff—who is now proceeding through counsel—states that venue is not proper in this jurisdiction, but rather is proper in the U.S. District Court for the Southern District of California. (Doc. No. 52 at ¶¶ 4–5.) Plaintiff requests “the Court to transfer this matter to the Southern District of California under 28 U.S.C. §§ 1404/1406.” (*Id.* at ¶ 5.)

Requests to this court for matters such as a change of venue should be presented to the court in the form of a motion. The court therefore will reject plaintiff’s request contained in his second amended complaint without prejudice to a properly noticed motion to change venue. *See*

1 L.R. 230(a)–(b) (“[A]ll motions shall be noticed on the motion calendar of the assigned Judge or
2 Magistrate Judge.”). The court also notes that a change of venue may generally be obtained by
3 stipulation. *See* 28 U.S.C. § 1404(a) (“[A] district court may transfer any civil action to any other
4 district or division . . . to which all parties have consented.”).

5 IT IS SO ORDERED.

6 Dated: December 20, 2017

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9 UNITED STATES DISTRICT JUDGE
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