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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

ROBERT VALENTE,	)	Case No.: 1:17-cv-00218-LJO-JLT
	)	
Plaintiff,	)	ORDER DENYING WITHOUT PREJUDICE
	)	MOTION TO TRANSFER VENUE
v.	)	(Doc. 11)
	)	
KELLER WILLIAMS REALTY, INC., et al.,	)	
	)	
Defendants.	)	
	)	
	)	

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Robert Valente filed a Complaint in this case on February 15, 2017, alleging many entities are liable for civil rights violations, deceit, negligent misrepresentation, constructive fraud, negligence, loss of consortium, intentional infliction of emotional distress, and negligent infliction of emotional distress related to the purchase of a home in Tennessee. His Complaint was dismissed with leave to amend on September 8, 2017, and Plaintiff was given until October 8, 2017 to file an amended complaint. (Doc. 6.) The deadline for amendment was later extended to October 25, 2017. (Doc. 10 at 5.) Plaintiff was warned that if he “fails to file an amended complaint, the action may be dismissed for failure to prosecute and failure to obey the Court’s order.” (*Id.*)

Instead of filing an amended complaint, on October 13, 2017, Plaintiff filed a motion to transfer venue to the Northern District of California in Oakland, arguing that the transfer is appropriate because, among other things, he has moved from within the Eastern District to Oakland. (Doc. 11.) Transfer is inappropriate under the circumstances because there is no operative, viable complaint in this case.

1 Under 28 U.S.C. § 1406(a), “[d]ismissal, rather than transfer, may be appropriate where  
2 the transfer would be futile because the case would be dismissed even after transfer.” *Fowler v. Wells*  
3 *Fargo Bank, N.A.*, No. 10-3933-EDL, 2011 WL 175506, at \*2 (N.D. Cal. Jan. 18, 2011). Unless and  
4 until Plaintiff files a complaint that states viable claims, this Court will not consider transferring his  
5 case to another district.

6 Accordingly, Plaintiff’s motion to transfer is DENIED WITHOUT PREJUDICE.

7 In an abundance of caution because Plaintiff is pro se, the deadline for Plaintiff to file an  
8 amended complaint is extended to November 10<sup>1</sup>, 2017.

9 If Plaintiff fails to file an amended complaint by the new deadline, this case will be dismissed  
10 without prejudice for failure to comply with a Court order.

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12 IT IS SO ORDERED.

13 Dated: October 20, 2017

/s/ Lawrence J. O’Neill  
14 UNITED STATES CHIEF DISTRICT JUDGE

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<sup>1</sup> The Court notes that Plaintiff has not filed a change of address and still provides his Bakersfield  
address as the address of record on his motion to change venue. (See Doc. 11.)