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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CARL PERKINS,
Plaintiff,
v.
M. PORTER, et al.,
Defendants.

Case No. [17-cv-01148-JSC](#)

ORDER OF TRANSFER

Re: Dkt. Nos. 2, 7, 10

Plaintiff, a California prisoner proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983.¹ Plaintiff is located at the California City Correctional Facility (“CCCF”).

When, as here, jurisdiction is not founded on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of 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). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. § 1406(a).

Plaintiff complains about the conditions of his confinement at CCCF, and the Defendants are prison officials located at CCCF. (ECF Nos. 1, 3.) CCCF is located in Kern County, which lies within the venue of the United States District Court for the Eastern District of California. *See* 28 U.S.C. § 84. Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this case is TRANSFERRED to the United States District Court for the Eastern District of California.

¹ Plaintiff has consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Dkt. No. 9.)

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The Clerk of the Court shall transfer this matter forthwith. In light of this transfer, the Court defers to the Eastern District for ruling on the motions for leave to proceed in forma pauperis and for appointment of counsel.

The Clerk shall terminate docket numbers 2, 7, and 10 from this Court's docket.

IT IS SO ORDERED.

Dated: April 24, 2017


JACQUELINE SCOTT CORLEY
United States Magistrate Judge

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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CERTIFICATE OF SERVICE

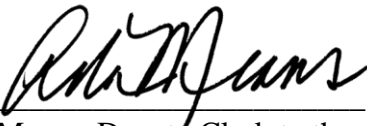
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 24, 2017, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Carl Perkins ID: F-22266
California City Correctional Facility
P.O. Box 2610
California City, CA 93504

Dated: April 24, 2017

Susan Y. Soong
Clerk, United States District Court

By: 
Ada Means, Deputy Clerk to the
Honorable JACQUELINE SCOTT CORLEY