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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
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12 TONY BLACKMAN,

13 Plaintiff,

14 v.

15 M. VOONG, et al.,

16 Defendants.
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Case No.: 1:17-cv-01014-BAM (PC)

ORDER TRANSFERRING CASE TO THE
SOUTHERN DISTRICT OF CALIFORNIA

18 Plaintiff Tony Blackman, a state prisoner proceeding pro se, has filed a civil rights action
19 pursuant to 42 U.S.C. § 1983 in this case on July 31, 2017. (ECF No. 1.). Plaintiff has also filed
20 a motion to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (ECF No. 2.)¹

21 Plaintiff's complaint is somewhat rambling and difficult to decipher, but Plaintiff appears
22 to allege the wrongful rejection of his inmate appeals, the denial of law library access and
23 services, and discrimination by staff at the Richard J. Donovan Correctional Facility, in San
24 Diego, California.
25

26 ¹ Although the Court makes no ruling on Plaintiff's motion to proceed in forma pauperis, the Court notes in
27 examining this case that Plaintiff appears to have had several cases dismissed for the failure to state a claim, which
28 were initiated while he was a prisoner. See Blackman v. Hartwell, et al., No. 1:99-cv-05822-REC-HGB (E.D. Cal.
Mar. 12, 2001); Blackman v. Medina, No. 3:05-cv-05390-SI (N.D. Cal. Mar. 13, 2006); Blackman v. Variz, No.
3:06-cv-06398-SI (N.D. Cal. Dec. 18, 2006); Blackman v. Taxdahl, 1:04-cv-06389-AWI-LJO (E.D. Cal. May 18,
2007); Blackman v Evans, et al., No. 1:06-cv-0081-GSA (E.D. Cal. Feb. 3, 2009); Blackman v. Lozano, et al., No.
13-cv-01525 (N.D. Cal. Jun. 64, 2013).

1 The federal venue statute requires that a civil action, other than one based on diversity
2 jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all
3 defendants are residents of the State in which the district is located; (2) a judicial district in which
4 a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part
5 of property that is the subject of the action is situated; or (3) if there is no district in which an
6 action may otherwise be brought as provided in this section, any judicial district in which any
7 defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C.
8 § 1391(b).

9 In this case, the defendants do not reside in this district, and the claim arose in San Diego
10 County, which is in the Southern District of California. Therefore, Plaintiff’s claim should have
11 been filed in the United States District Court for the Southern District of California. In the
12 interest of justice, a federal court may transfer a complaint filed in the wrong district to the
13 correct district. See 28 U.S.C. § 1406(a); Ravelo Monegro v. Rosa, 211 F.3d 509, 512 (9th Cir.
14 2000).

15 Accordingly, IT IS HEREBY ORDERED as follows:

- 16 1. This matter is transferred to the United States District Court for the Southern
17 District of California; and
- 18 2. All future filings shall refer to the new case number assigned by that district and
19 shall be filed in that court; and
- 20 3. This Court has not ruled on Plaintiff’s pending request to proceed in forma
21 pauperis

22 IT IS SO ORDERED.

23
24 Dated: August 2, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE