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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAPHAEL MAURICE JOHNSON,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,

Defendants.

1:17-cv-01380-SKO (PC)

ORDER TRANSFERRING CASE TO THE
SOUTHERN DISTRICT OF CALIFORNIA

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983.

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. Plaintiff’s first claim arose in San Diego County, which is in the Southern District of California.¹ Therefore, plaintiff’s claim

¹ Plaintiff also raises claims that arose in Vacaville, California. However, those claims and defendants are listed and

1 should have been filed in the United States District Court for the Southern District of California.
2 In the interest of justice, a federal court may transfer a complaint filed in the wrong district to the
3 correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir.
4 1974).

5 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
6 States District Court for the Southern District of California.

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8 IT IS SO ORDERED.

9 Dated: October 17, 2017

/s/ Sheila K. Olerto
UNITED STATES MAGISTRATE JUDGE

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occurred subsequent to the claims and defendants for the incidents that allegedly occurred at RJ Donovan.