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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

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11 DANIEL DEAN ALVARADO, JR.,

12 Plaintiff,

13 v.

14 COUNTY OF TULARE,

15 Defendant.  
16

Case No. 1:17-cv-01396-BAM (PC)

ORDER DENYING PLAINTIFF'S MOTION  
TO TRANSFER VENUE

(ECF No. 14)

17 Plaintiff Daniel Dean Alavarado, Jr. ("Plaintiff") is a former state prisoner proceeding *pro*  
18 *se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action was  
19 initiated on October 3, 2017 in the United States District Court for the Northern District of  
20 Illinois, (ECF No. 1), and was transferred to this district on October 16, 2017, (ECF No. 5).

21 Currently before the Court is Plaintiff's filing of April 13, 2018. (ECF No. 14.) Though  
22 difficult to understand, Plaintiff appears to be requesting the transfer of this action to the United  
23 States District Court for the Western District of Virginia and the reinstatement of a prior action in  
24 that district, Alvarado v. County of Tulare, Case No. 3:17CV00040. (*Id.* at 3.) The filing will be  
25 construed as a motion to transfer venue.

26 "For the convenience of parties and witnesses, in the interest of justice, a district court  
27 may transfer any civil action to any other district or division where it might have been brought or  
28 to any district or division to which all parties have consented." 28 U.S.C. § 1404(a). "A civil

1 action may be brought in—(1) a judicial district in which any defendant resides, if all defendants  
2 are residents of the State in which the district is located; [or] (2) a judicial district in which a  
3 substantial part of the events or omissions giving rise to the claim occurred . . . .” 28 U.S.C.  
4 § 1391(b). The party seeking the transfer must meet an initial threshold burden by demonstrating  
5 that the action could have been brought in the proposed transferee district. 28 U.S.C. § 1391(b);  
6 28 U.S.C. § 1404(a); Hatch v. Reliance Ins. Co., 758 F.2d 409, 414 (9th Cir. 1985); Park v. Dole  
7 Fresh Vegetables, Inc., 964 F.Supp.2d 1088, 1093 (N.D. Cal. 2013).

8 The events at issue here occurred in Tulare County, which is located within the boundaries  
9 of the Fresno Division of the Eastern District of California. Plaintiff names as defendants the  
10 County of Tulare; a Tulare County Sheriff’s deputy by the name of Rales or Ralez; and an  
11 unspecified individual or individuals. There is no indication that any of the defendants “reside”  
12 in, or that any of the events giving rise to this suit have taken place in, the Western District of  
13 Virginia. Moreover, a review of the docket in Case No. 3:17CV00040 reveals that the case was  
14 dismissed without prejudice for lack of personal jurisdiction over the defendants. Plaintiff has not  
15 provided any new or additional information demonstrating that any defendant would now be  
16 subject to personal jurisdiction in the Western District of Virginia.

17 Accordingly, venue is appropriate in this district, and Plaintiff’s motion for transfer of  
18 venue, (ECF No. 14), is HEREBY DENIED. Plaintiff’s complaint will be screened in due  
19 course.  
20 IT IS SO ORDERED.

21 Dated: April 30, 2018

22 /s/ Barbara A. McAuliffe  
23 UNITED STATES MAGISTRATE JUDGE  
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