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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JULIE ANN HARRELL,  
  
Plaintiff,  
  
v.  
  
NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,  
  
Respondent.

No. 1:17-cv-01503-GSA  
  
**ORDER TO SHOW CAUSE WHY THIS  
MATTER SHOULD NOT BE  
TRANSFERRED TO THE PROPER  
VENUE OR DISMISSED FOR HAVING  
BEEN FILED IN THE WRONG VICINAGE**

On November 8, 2017, Plaintiff Julie Ann Harrell filed a complaint seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner” or “Defendant”) denying her application for disability insurance benefits pursuant to Title II of the Social Security Act. Doc. 1. The complaint alleges that Plaintiff is a resident of Lemon Cove, California. Doc.1, ¶1.

At the agency hearing on February 9, 2016, however, Plaintiff testified that her mailing address for legal purposes was 37110 Sierra Drive, Lemon Cove, California. AR 40. The ALJ questioned the accuracy of this address since mail bearing the address had been returned to the agency. AR 40. Plaintiff responded that the address was her mother’s home and that Plaintiff used it instead of a “victim witness address” because she could “get to it quicker than the victim witness address.” AR 40. Plaintiff’s telephone number bore an area code associated with thirteen

1 counties in North Carolina. AR 40; [www.worldatlas.com/na/us/nc/area-code-919.html](http://www.worldatlas.com/na/us/nc/area-code-919.html) (accessed  
2 January 16, 2019). Plaintiff testified that she was living with her children in North Carolina and  
3 California. AR 41. She was receiving food stamps in North Carolina. AR 41. Plaintiff's  
4 attorney also informed the ALJ that Plaintiff had refilled her prescriptions and received North  
5 Carolina nursing services since the end of 2014, but he had been unable to secure records of that  
6 treatment. AR 38. The administrative record documents several North Carolina hospital visits  
7 from May 2015 through December 2015. AR 1581-1600. In the May 4, 2016, hearing decision,  
8 the ALJ found that "claimant moved to North Carolina last year and has had no orthopedic  
9 follow-up since that time." AR 23-24.

10 A claimant of Social Security benefits whose application has been denied by the  
11 Commissioner may seek review of such decision "in the district court of the United States for the  
12 judicial district in which the plaintiff resides, or has his principal place of business or, if he does  
13 not reside or have his principal place of business within any such judicial district, in the United  
14 States District Court for the District of Columbia." 42 U.S.C. § 405(g). If Plaintiff's residence is  
15 in North Carolina this Court must transfer venue to the proper district or dismiss the case.

16 Accordingly, Plaintiff is hereby ORDERED *to file a written response* to this Order to  
17 Show Cause on or before February 15, 2019. Such response shall either consent to the transfer of  
18 the case to the United States District Court for the appropriate district of North Carolina or show  
19 cause why venue should remain with this Court. In the event that Plaintiff's written statement has  
20 not been filed before the close of business on February 15, 2019, this Court shall dismiss the case  
21 for improper venue.

22  
23 IT IS SO ORDERED.

24 Dated: January 18, 2019

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE