

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KENNETH ROBINSON,
Plaintiff,
v.
R. CASTELLON, et al.,
Defendants.

1:17-cv-01540-GSA (PC)

ORDER TRANSFERRING CASE TO
NORTHERN DISTRICT OF CALIFORNIA

I. BACKGROUND

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

II. VENUE

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. § 1332(b).

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1 In this case, none of the defendants named in the Complaint reside in this district. The
2 claims arose at the Deuel Vocational Institution in Tracy, California, located in Alameda County,
3 which is in the Northern District of California. Therefore, Plaintiff's claims are properly brought
4 in the United States District Court for the Northern District of California. In the interest of
5 justice, a federal court may transfer a complaint filed in the wrong district to the correct district.
6 See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

7 This court has not ruled on plaintiff's request to proceed in forma pauperis.

8 III. CONCLUSION

9 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
10 States District Court for the Northern District of California.

IT IS SO ORDERED.

Dated: November 21, 2017

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE