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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL W. DEJOHN,
Plaintiff,

Case No. 1:17-cv-01558-AWI-SKO

v.

ORDER TRANSFERRING CASE

UNITED STATES DEPARTMENT OF
AGRICULTURE,
Defendant.

_____ /

On November 21, 2017, Plaintiff Michael W. DeJohn, proceeding pro se, filed a complaint against the United States Department of Agriculture, along with an application to proceed *in forma pauperis*. (Docs. 1, 2.) The complaint purports to allege claims pursuant to the Federal Tort Claims Act, 28 U.S.C. § 1346(b), for damage done to Plaintiff’s septic tanks during a firefighting effort in Los Angeles County. (Doc. 1 at 4-5.) Plaintiff also resides in Los Angeles County.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district in which any defendant resides, if all

1 defendants are residents of the State in which the district is located; (2) a judicial district in which
2 a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part
3 of property that is the subject of the action is situated; or (3) if there is no district in which an
4 action may otherwise be brought as provided in this section, any judicial district in which any
5 defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. §
6 1391(b).

7 In this case, Defendant is located outside the geographical boundaries of this district.
8 Moreover, the claim apparently arose in Los Angeles County, which is in the Central District of
9 California. Therefore, Plaintiff’s claim should have been filed in the United States District Court
10 for the Central District of California. In the interest of justice, a federal court may transfer a
11 complaint filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); *Starnes v.*
12 *McGuire*, 512 F.2d 918, 932 (D.C. Cir. 1974).

13 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
14 States District Court for the Central District of California. In light the foregoing, this Court has
15 not ruled on Plaintiffs’ request to proceed *in forma pauperis* (Doc. 2).

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17 IT IS SO ORDERED.

18 Dated: November 22, 2017

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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