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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TONY BLACKMAN,  
Plaintiff,  
v.  
R. DIZON, et al.,  
Defendants.

Case No.: 1:17-cv-01627 BAM (PC)

ORDER TRANSFERRING ACTION TO THE  
SOUTHERN DISTRICT OF CALIFORNIA

Plaintiff Tony Blackman, a state prisoner proceeding *pro se*, has filed a civil rights action pursuant to 42 U.S.C. § 1983. On December 6, 2017, Plaintiff filed a complaint, (ECF No. 1) and an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915, (ECF No. 2).

Plaintiff sues prison officials employed at the Richard J. Donovan Correctional Facility in San Diego, California. Plaintiff appears to allege that he was a victim of a hate crime and other violations occurred against his rights while he was housed at that institution.

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).

1 In this case, none of the defendants reside in this district. The claim arose in San Diego  
2 County, which is in the Southern District of California. Therefore, Plaintiff's claim should have  
3 been filed in the United States District Court for the Southern District of California.

4 In the interest of justice, a federal court may transfer a complaint filed in the wrong  
5 district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932  
6 (D.C. Cir. 1974).

7 For the foregoing reasons, IT IS HEREBY ORDERED that this matter is transferred to the  
8 United States District Court for the Southern District of California. The Court makes no ruling on  
9 Plaintiff's pending application to proceed *in forma pauperis*.

10 IT IS SO ORDERED.

11 Dated: December 8, 2017

12 /s/ Barbara A. McAuliffe  
13 UNITED STATES MAGISTRATE JUDGE

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