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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERIC C. CHATMAN,
Plaintiff,
v.
SUPER 8 MOTEL COMPANY, et al.,
Defendants.

Case No. 1:18-cv-00138-DAD-SAB
ORDER TRANSFERRING CASE TO THE
SOUTHERN DISTRICT OF CALIFORNIA

Plaintiff Eric C. Chatman is a state prisoner proceeding pro se in this civil action pursuant to 42 U.S.C. § 1983. Plaintiff filed a complaint on January 26, 2018, against Super 8 Motel Company and Super 8 Motel in Oceanside. (ECF No. 1.)

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). The Court has reviewed Plaintiff’s complaint and finds that venue does not lie in this district as none of the venue requirements of section 1391 are met. The incidents alleged in the complaint took place in Oceanside in San Diego County which is part of the Southern District of California.

1 Venue in this action appropriately lies with the Southern District of California.

2 Pursuant to 28 U.S.C. § 1406(a), when a case has been filed in the wrong district, the
3 “district shall dismiss, or if it be in the interest of justice, transfer such case to any district or
4 division in which it could have been brought.” Additionally Local Rule 120(f), provides that a
5 civil action which has not been commenced in the proper court may, on the court’s own motion,
6 be transferred to the proper court. Therefore, this action will be transferred to the Southern
7 District of California. This court will not rule on Plaintiff’s request to proceed in forma pauperis.

8 Good cause appearing, IT IS HEREBY ORDERED that:

- 9 1. This action is transferred to the United States District Court for the Southern
10 District of California; and
- 11 2. This court has not ruled on plaintiff’s request to proceed in forma pauperis.

12 IT IS SO ORDERED.

13 Dated: January 29, 2018

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16 UNITED STATES MAGISTRATE JUDGE