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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

REGINALD A. GARY,
Plaintiff,
v.
KINCAID, et al.,
Defendants.

Case No. 1:18-cv-00612-LJO-BAM (PC)
ORDER DENYING PLAINTIFF’S MOTION
TO TRANSFER VENUE
(ECF No. 20)

Plaintiff Ronnie Earl Howell (“Plaintiff”) is a civil detainee proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Currently before the Court is Plaintiff’s motion for a change of venue to the U.S. District Court in Sacramento. (ECF No. 20.)

“For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented.” 28 U.S.C. § 1404(a). “A civil action may be brought in—(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; [or] (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred” 28 U.S.C. § 1391(b). The party seeking the transfer must meet an initial threshold burden by demonstrating that the action could have been brought in the proposed transferee district. 28 U.S.C. § 1391(b);

1 28 U.S.C. § 1404(a); Hatch v. Reliance Ins. Co., 758 F.2d 409, 414 (9th Cir. 1985); Park v. Dole
2 Fresh Vegetables, Inc., 964 F.Supp.2d 1088, 1093 (N.D. Cal. 2013).

3 The events at issue in this action occurred at Coalinga State Hospital (“CSH”) in Fresno
4 County, which is located within the boundaries of the Fresno Division of the Eastern District of
5 California. Plaintiff names as defendants Nancy Kincaid, Brandon Price, the Senior Psychologist
6 Specialist at CSH, and the Director of the Department of Corrections and Rehabilitations
7 (“CDCR”). Three of the defendants are listed as residing or working in Coalinga, California, and
8 the Director of CDCR is listed as working in Sacramento, California. However, there is no
9 indication that any, much less “a substantial part,” of the events giving rise to this suit have taken
10 place within the boundaries of the Sacramento Division of the Eastern District of California.
11 Although Plaintiff argues that this action should be transferred to the Sacramento Division of the
12 Eastern District of California because of the high volume of cases pending in the Fresno Division,
13 and that his case will be screened more quickly in Sacramento, that is not a sufficient justification
14 to transfer this action to the Sacramento Division. Accordingly, venue is appropriate in the
15 Fresno Division of this district.

16 Accordingly, Plaintiff’s motion to transfer venue, (ECF No. 20), is HEREBY DENIED.

17
18 IT IS SO ORDERED.

19 Dated: January 29, 2019

/s/ Barbara A. McAuliffe
20 UNITED STATES MAGISTRATE JUDGE