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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 LAWRENCE CHRISTOPHER SMITH,

No. 2:19-cv-0288 AC P

12 Plaintiff,

13 v.

ORDER

14 BRIAN L. PARRIOT, et al.,

15 Defendants.
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17 Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42
18 U.S.C. § 1983. ECF No. 1. Plaintiff has not filed an application to proceed in forma pauperis
19 pursuant to 28 U.S.C. § 1915.

20 The federal venue statute provides that a civil action “may be brought in (1) a judicial
21 district in which any defendant resides, if all defendants are residents of the State in which the
22 district is located, (2) a judicial district in which a substantial part of the events or omissions
23 giving rise to the claim occurred, or a substantial part of property that is the subject of the action
24 is situated, or (3) if there is no district in which an action may otherwise be brought as provided in
25 this action, any judicial district in which any defendant is subject to the court’s personal
26 jurisdiction with respect to such action.” 28 U.S.C. § 1391(b).

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1 In this case, plaintiff's sole claim arose at the California Correctional Institution ("CCI"),
2 which is located in Kern County. In addition, all five¹ named defendants are employed at CCI.
3 See ECF No. 1 at 1-2, 4. Kern County matters are to be commenced in the Fresno Division of the
4 Eastern District of California. See L.R. 120(d). Therefore, plaintiff's complaint should have
5 been filed there. In the interests of justice, a federal court may transfer a complaint filed in the
6 wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918,
7 932 (D.C. Cir. 1974).

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The Clerk of the Court shall add J. Mattingly, a correctional officer at CCI, as a
10 defendant to this docket as indicated on page 3 of the complaint. See ECF No. 1 at 3, and

11 2. This matter is transferred to the United States District Court for the Eastern District of
12 California – Fresno Division.

13 DATED: March 4, 2019

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15 ALLISON CLAIRE
16 UNITED STATES MAGISTRATE JUDGE
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26 ¹ Although not identified in the correct section of the complaint, in addition to naming defendants
27 B. L. Parriot, R. Cole, A. Canto and W. Gutierrez as defendants (see ECF No. 1 at 2), it appears
28 that plaintiff also intended to identify J. Mattingly as a defendant as well. See id. at 3.
Accordingly, the court will direct the Clerk of the Court to add defendant J. Mattingly to the
docket as a defendant.