

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS A. CANNELL, IV,

Case No. 1:19-cv-01154-LJO-BAM

Plaintiff,

ORDER TRANSFERRING CASE TO THE
NORTHERN DISTRICT OF CALIFORNIA

THE PEOPLE OF THE STATE OF
UTAH, et al.,

Defendants.

Plaintiff Thomas A. Cannell, IV (“Plaintiff”) is a Denver county jail inmate proceeding *pro se* in the instant action against The People of the State of Utah, Apple Computer, Inc., and Jocelyn Anderson Jobs. (Doc. Nos. 1, 4.)

The federal venue statute requires that a civil action be brought only in “(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (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 property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. § 1331(b).

Plaintiff's allegations are unclear and it is difficult to discern the precise claims Plaintiff is seeking to raise, which defendants he intends to assert those claims against, the factual allegations that support those claims, or whether Plaintiff's claims have any merit. *See Fed. R. Civ. P. 8(a)(2)* ("A pleading that states a claim for relief must contain . . . a short and plain statement of the claim showing that the pleader is entitled to relief [.]"). However, the complaint alleges that Defendants Apple Computer, Inc. and its employee, Jocelyn Andersen Jobs, are located in Santa

1 Clara, California, and the events or omissions at issue appear to have arisen in Santa Clara
2 County, which is in the Northern District of California. Therefore, based upon the limited
3 information that can be discerned from the complaint, Plaintiff's claim should have been filed in
4 the United States District Court for the Northern District of California. In the interest of justice, a
5 federal court may transfer a complaint filed in the wrong district to the correct district. See 28
6 U.S.C. § 1406(a).

7 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United
8 States District Court for the Northern District of California. The Court does not rule on any
9 pending motions.

IT IS SO ORDERED.

11 || Dated: **October 10, 2019**

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