

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TOM M. FRANKS.

Plaintiff.

V<sub>a</sub>

ROBERTS et al.

## Defendants.

Case No.: 1:23-cv-01582-CDB (PC)

ORDER TRANSFERRING CASE TO THE  
SOUTHERN DISTRICT OF CALIFORNIA

Plaintiff Tom M. Franks (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. (Doc. 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 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 the 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).

In this case, none of the defendants reside in this district and the claim arose in San Diego County, which is in the Southern District of California. (Doc. 1). Therefore, plaintiff's claim

1 should have been filed in the United States District Court for the Southern District of California.  
2 In the interest of justice, a federal court may transfer a complaint filed in the wrong district to the  
3 correct district. *See 28 U.S.C. § 1406(a); McKinney v. Rianda*, 262 Fed. Appx. 785, 786 (9th Cir.  
4 2007) (district court properly transfers prisoner's civil rights action to transferee district where  
5 "most of the defendants resided in and a substantial part of the events giving rise to [the  
6 prisoner's] claims occurred in the [transferee district].") (unpublished).

7 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United  
8 States District Court for the Southern District of California.

9 IT IS SO ORDERED.

10 Dated: November 14, 2023

  
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UNITED STATES MAGISTRATE JUDGE

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