

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILBERT J. ODEN,

Plaintiff,

No. CIV S-06-0149 LKK DAD P

vs.

DR. M. YANEZ, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has submitted a letter that has been construed as a civil rights complaint seeking relief pursuant to 42 U.S.C. § 1983.

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 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).

In this case, none of the defendants reside within the Eastern District of California. Plaintiff’s claims arose in Monterey County, which is located in the Northern District of California. Therefore, plaintiff’s claims should have been filed in the United States District

1 Court for the Northern District of California. In the interest of justice, a federal court may
2 transfer a case filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes
3 v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

4 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the
5 United States District Court for the Northern District of California.

6 DATED: January 26, 2006.

7
8 
9 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

10 DAD:13:bb
11 oden0149.21
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26