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

CARL LEE CALLEGARI,

Plaintiff,

No. CIV S 06-0442 FCD PAN P

vs.

D. SELLERS, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983 and a request to proceed in forma pauperis. In light of 1996 amendments to 28 U.S.C. § 1915, this court will not rule on plaintiff's request to proceed in forma pauperis.

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).

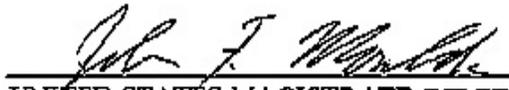
In this case, none of the defendants reside in this district. The claim arose in Monterey County, which is in the Northern District of California. Therefore, plaintiff's claim

1 should have been filed in the United States District Court for the Northern 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); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir.
4 1974).

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. This court has not ruled on plaintiff's request to proceed in forma pauperis; and
7 2. This matter is transferred to the United States District Court for the Northern
8 District of California.

9 DATED: March 7, 2006.

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12 UNITED STATES MAGISTRATE JUDGE
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