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

MANUEL COVORRUBIO,

Plaintiff,

No. CIV S-06-2801 DFL GGH P

vs.

MIKE POULAS,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action<sup>1</sup> pursuant to 42 U.S.C. § 1983, together with 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

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<sup>1</sup> Although plaintiff has submitted his allegations on a form for a Central District habeas petition under 28 U.S.C. § 2254, he challenges only conditions of his prison confinement, claiming violations under the Eighth Amendment.

1 of the action is situated, or (3) a judicial district in which any defendant may be found, if there is  
2 no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

3 In this case, none of the defendants reside in this district. The claim arose in San  
4 Bernardino County, which is in the Central District of California. Therefore, plaintiff’s claim  
5 should have been filed in the United States District Court for the Central District of California.  
6 In the interest of justice, a federal court may transfer a complaint filed in the wrong district to the  
7 correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir.  
8 1974).

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. This court has not ruled on plaintiff’s request to proceed in forma pauperis; and  
11 2. This matter is transferred to the United States District Court for the Central  
12 District of California.

13 DATED: 12/22/06

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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