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

JAMES GONZALES,

Plaintiff,

No. CIV S-07-1135 LEW EFB P

vs.

DIRECTOR OF CALIFORNIA
DEPARTMENT OF CORRECTIONS
AND REHABILITATION

Defendant.

ORDER

Plaintiff is a prisoner without counsel seeking relief for alleged civil rights violations.
See 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).

Plaintiff alleges a violation of civil rights at Salinas Valley State Prison, located in Monterey County, California. Monterey County is located within the Northern District of

1 California. Therefore, plaintiff's claim should have been filed in the United States District Court
2 for the Northern District of California. In the interest of justice, a federal court may transfer a
3 complaint filed in the wrong district to the correct district. *See* 28 U.S.C. § 1406(a); *Starnes v.*
4 *McGuire*, 512 F.2d 918, 932 (D.C. Cir. 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 District
8 of California.

9 Dated: July 2, 2007.

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11 EDMUND F. BRENNAN
12 UNITED STATES MAGISTRATE JUDGE
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