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

DONALD L. STEVENS,	)	No. C 09-3124 JSW (PR)
	)	
Plaintiff,	)	<b>ORDER OF TRANSFER</b>
	)	
vs.	)	
	)	
MATT FUCHS, QUENTIN CAMPBELL,	)	(Docket No. 2)
AND BUTTE COUNTY PAROLE	)	
DEPARTMENT,	)	
	)	
Defendants.	)	

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Plaintiff, a California prisoner incarcerated at Deuel Vocational Institution in Tracy, California, has filed this civil rights action under 42 U.S.C § 1983 regarding the conduct of Butte County parole officials prior to his incarceration. Butte County is within the venue of the United States District Court for the Eastern District of California. Plaintiff alleges that the Defendants reside in Butte County, California.


When jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the 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). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. § 1406(a). Venue may be raised by the court sua sponte where the defendant has not yet filed a responsive pleading and the time for doing so has not run. *Costlow v. Weeks*, 790

1 F.2d 1486, 1488 (9th Cir. 1986).

2 Plaintiff brings his claims about actions taken in Butte County, within the venue  
3 of the Eastern District of California. *See* 28 U.S.C. § 84. Accordingly, IT IS  
4 ORDERED in the interest of justice, and pursuant to 28 U.S.C. § 1406(a), that this action  
5 be TRANSFERRED to the United States District Court for the Eastern District of  
6 California. In light of the transfer, the Court will not resolve Petitioner's pending motion  
7 to proceed *in forma pauperis* (docket no 2). The Clerk of the Court shall transfer this  
8 matter forthwith and terminate docket number 2 from this Court's docket.

9 IT IS SO ORDERED.

10 DATED: July 29, 2009

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13 JEFFREY S. WHITE  
14 United States District Judge  
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1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5 DONALD L. STEVENS,  
6  
7 Plaintiff,

Case Number: CV09-03124 JSW

**CERTIFICATE OF SERVICE**

8 v.


9 MATT FUCHS et al,  
10 Defendant.  
\_\_\_\_\_ /

11  
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

13 That on July 29, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said  
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
15 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
16 receptacle located in the Clerk's office.

17 Donald L. Stevens #:K-57251  
18 Deuel Vocational Institution  
19 P.O. Box 600  
Tracy, CA 95378-0600

20 Dated: July 29, 2009

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk

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