

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

FELIX COLON, No. CIV S-10-0187-CMK-P

Plaintiff,

ORDER

C. WILSON, et al.,

Defendants.

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. For cases such as this, which are based on federal question jurisdiction, the federal venue statute requires that the action 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. § 1331(b).

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1 Here, the claim(s) substantially arose in Monterey County, which is within the
2 boundaries of the United States District Court for the Northern District of California. Plaintiff
3 claims that, while he was housed at Salinas Valley State Prison in 2007, his mother and fiancé
4 were subjected to inappropriate body searches by various prison officials. According to plaintiff,
5 his mother and fiancé were told that the searches were required before any visitation could be
6 allowed because officials had received a confidential tip that they were attempting to smuggle
7 contraband into the prison. Plaintiff states that he did not learn about the body searches until
8 sometime in 2009. He claims that, since learning of the inappropriate searches, he experiences
9 "intense headaches with pain on one side of the head, accompanied by tearing of the eye and
10 runny nose on one side." Finally, plaintiff claims that other prison officials at Mule Creek State
11 Prison (where he was incarcerated when he learned of the events from 2007) have obstructed the
12 appeals process by improperly handling his inmate grievances. Because plaintiff's claims largely
13 arise out of actions which took place at Salinas Valley State Prison, which is located in Monterey
14 County, the court finds that this action most appropriately proceeds in Northern District. In the
15 interest of justice, the court will transfer this case. See 28 U.S.C. § 1406(a). The court expresses
16 no opinion in this order whether plaintiff's claims are cognizable as that decision is properly for a
17 judge of the Northern District to make in the first instance.

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

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21 DATED: May 24, 2010

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23 CRAIG M. KELLISON
24 UNITED STATES MAGISTRATE JUDGE
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