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

VICTOR MANUEL CORREA,

Plaintiff,

No. CIV S-10-0420 DAD P

vs.

STEPHEN M. HALL,

Defendant.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983, together with a 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, defendant San Mateo County Superior Court Judge Stephen Hall does not reside in this district. Plaintiff’s claim arose in San Mateo County, which is located within the Northern District of California. Therefore, plaintiff’s claim should have been filed in the

1 United States District Court for the Northern District of California. In the interest of justice, a
2 federal court may transfer a complaint filed in the wrong district to the correct district. See 28
3 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. This court has not ruled on plaintiff's February 18, 2010 request to proceed in
6 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 1, 2010.

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12 _____
13 DALE A. DROZD
14 UNITED STATES MAGISTRATE JUDGE

14 DAD:md/4
15 corr0420.21