

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL GENE McKINNEY,)	1:10-cv-768 AWI-GSA
)	
Plaintiff,)	ORDER TRANSFERRING ACTION TO
)	SACRAMENTO DIVISION
v.)	
)	
TEHAMA COUNTY, RICHARD)	
SCHEULER, and IRENE RODRIGUEZ,)	
)	
)	
Defendants.)	

Plaintiff, proceeding pro se, has filed this action. In his complaint, Plaintiff alleges a violation of his due process rights by Defendants. The alleged violations took place in Tehama County, which is part of the Sacramento Division of the United States District Court for the Eastern District of California. See Local Rule 3-120(d).

Title 28 of the United States Code Section 1391(b) provides

A civil action wherein jurisdiction is not founded solely on diversity of citizenship may, except as otherwise provided by law, 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.

The court is transferring this action to the Sacramento Division of the Eastern District of California pursuant to Title 28 United States Code Section 1404(a) in the interests of justice for the following reasons.

1 Plaintiff has named Defendants Tehama County, Richard Scheuler, and Irene Rodriguez,
2 all of whom reside in Tehama County. *See* 28 U.S.C. § 1391(b)(1). Thus, no defendants reside
3 in a county in this division. Moreover, the actions giving rise to Plaintiff's complaint all arose in
4 Tehama County. *See* 28 U.S.C. § 1391(b)(2). Venue would be improper in the Fresno division
5 because only Plaintiff is a resident within this division.

6 Good cause appearing, IT IS HEREBY ORDERED that this matter is TRANSFERRED
7 to the Sacramento Division of the United States District Court for the Eastern District of
8 California.

9
10
11 IT IS SO ORDERED.

12 Dated: May 7, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE