

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

WALTER BROWN, JR., No. CIV S-10-1553-CMK

Plaintiff,

ORDER

SUE SUMMERSET, et al.,

Defendants.

Plaintiff, a prisoner proceeding pro se, brings this civil action alleging negligence, recklessness, strict liability, and intentional infliction of emotional distress. Plaintiff seeks this court's diversity jurisdiction under 28 U.S.C. § 1332(a).¹ For cases such as this, based on diversity jurisdiction, the federal venue statute requires that the action be brought in "(1) a judicial district where any defendant resides, if all defendants reside in the same judicial district, or (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 in the judicial district of the defendant's choice if the defendant consented to the general jurisdiction of the forum."

¹ On the face of the complaint, it appears that diversity jurisdiction does not lie in this case. Specifically, plaintiff states that he is a citizen of California and also admits that one of the defendants – Sue Summerset – is also a citizen of California. Therefore, complete diversity appears to be absent.

1 or (3) a judicial district in which any defendant is subject to personal jurisdiction at the time the
2 action is commences, if there is no district in which the action may otherwise be brought.” 28
3 U.S.C. § 1391(a). Here, the claim(s) arose in Riverside County, which is within the boundaries
4 of the United States District Court for the Central District of California. Therefore, the court
5 finds that this action most appropriately proceeds in that district. In the interest of justice, the
6 court will transfer this case. See 28 U.S.C. § 1406(a).

7 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the
8 United States District Court for the Central District of California.

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10 DATED: July 1, 2010

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12 CRAIG M. KELLISON
13 UNITED STATES MAGISTRATE JUDGE
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