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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 WALTER BROWN, JR.,

No. CIV S-10-1553-CMK

12 Plaintiff,

13 vs.

ORDER

14 SUE SUMMERSET, et al.,

15 Defendants.  
16 \_\_\_\_\_/

17 Plaintiff, a prisoner proceeding pro se, brings this civil action alleging negligence,  
18 breach of warranty, strict liability, and intentional infliction of emotional distress. Plaintiff seeks  
19 to invoke this court's diversity jurisdiction under 28 U.S.C. § 1332(a).<sup>1</sup> For cases such as this,  
20 which are based on diversity jurisdiction, the federal venue statute requires that the action be  
21 brought only in "(1) a judicial district where any defendant resides, if all defendants reside in the  
22 same State, (2) a judicial district in which a substantial part of the events or omissions giving rise  
23 to the claim occurred, or a substantial part of property that is the subject of the action is situated,  
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25 <sup>1</sup> On the face of the complaint, it appears that diversity jurisdiction does not lie in  
26 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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