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

CEDRIC GREENE,

Plaintiff,

No. CIV.S. 11-0551 GEB GGH PS

vs.

SOUTHLAND TRANSIT, INC.,

Defendant.

FINDINGS AND RECOMMENDATIONS

_____ /

Plaintiff is proceeding in this action pro se and has filed a request to proceed in forma pauperis. A review of the court docket for the Central District of California reveals that plaintiff has filed over seventy actions in that district and that he has been ordered to show cause why he should not be declared a vexatious litigant. See Greene v. Mens Central Jail, case no. 2:11-cv-00997-UA-SS, docket no. 2 (February 18, 2011).

The federal venue statute requires that a civil action 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 is subject to personal jurisdiction at the time the action is commenced, if there is no district in which the action may otherwise be

1 brought." 28 U.S.C. § 1391(a).

2 In this case, plaintiff's pleading concedes that the proper venue is Los Angeles,
3 which is in the Central District of California. Under 28 U.S.C. § 1406(a), the court may dismiss
4 an action laying venue in the wrong district.

5 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed
6 without prejudice.

7 These findings and recommendations are submitted to the United States District
8 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
9 fourteen (14) days after being served with these findings and recommendations, plaintiff may file
10 written objections with the court and serve a copy on all parties. Such a document should be
11 captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is
12 advised that failure to file objections within the specified time may waive the right to appeal the
13 District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

14 DATED: March 10, 2011

15 /s/ Gregory G. Hollows

16 _____
GREGORY G. HOLLOWES
UNITED STATES MAGISTRATE JUDGE

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