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

FRANK AGUIAR,

Plaintiff,

No. CIV S-11-1496 DAD P

vs.

J. BURT,

Defendant.

ORDER

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has neither paid the filing fee for this action nor filed an application 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, the defendant is located and the claim arose in Riverside County, which is in the Central District of California. Therefore, plaintiff’s claim should have been filed

1 in the United States District Court for the Central District of California. In the interest of justice,  
2 a 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 this matter is transferred to the  
5 United States District Court for the Central District of California.

6 DATED: June 14, 2011.

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10 DALE A. DROZD  
11 UNITED STATES MAGISTRATE JUDGE

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