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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

PEN CHAN and JAMIE CHAVEZ,  
a minor by and through his  
Guardian Ad Litem, YOLANDA  
TORRES,

NO. 2:12-cv-01359-MCE-CKD

Plaintiffs,

v.

ORDER TO SHOW CAUSE

DOCTORS HOSPITAL MODESTO,  
et al.,

Defendants.

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Pursuant to Local Rule 120(f), "[w]henver in any action the court finds upon its own motion . . . that an action has not been commenced in the proper court in accordance with this Rule . . . the court may transfer the same to another venue within the District." The Complaint in this matter was originally brought by Plaintiffs in the Superior Court of California in and for Stanislaus County. On May 18, 2012, Defendant United States of America removed the action to this Court pursuant to 42 U.S.C. § 233(c) and 28 U.S.C. §§ 1441, 2679(d)(2). (ECF No. 1.)

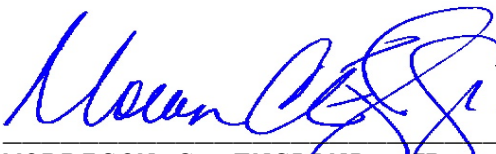
1 Examination of Plaintiff's Complaint shows that the alleged  
2 wrongdoing arose at Doctors Hospital Modesto, which is situated  
3 in Modesto, California. The City of Modesto is located within  
4 Stanislaus County, which is part of the Fresno Division of the  
5 United States Court for the Eastern District of California. See  
6 Local Rule 120(d). All civil actions arising in Stanislaus  
7 County shall be commenced in Fresno. Id.

8 Because it appears from the Complaint that this action was  
9 not commenced in the proper court, Defendant United States of  
10 America is ordered to file a memorandum with the Court within ten  
11 (10) days from the date of this Order is electronically filed  
12 showing why venue in the United States District Court sitting in  
13 Sacramento is proper under the Local Rules. If Defendant fails  
14 to file such memorandum, the Court will transfer the instant  
15 action to the United States District Court sitting in Fresno.  
16 The Court will take no further action in this case until the  
17 question of proper venue has been resolved.

18 In light of this ruling, the hearing on Defendant's Motion  
19 to Dismiss (ECF No. 5) and Plaintiff's Motion to Remand (ECF  
20 No. 10), currently scheduled for November 1, 2012, is hereby  
21 vacated and continued to **November 15, 2012, at 2 p.m.**

22 IT IS SO ORDERED.

23 Dated: October 26, 2012

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26 MORRISON C. ENGLAND, JR.  
27 UNITED STATES DISTRICT JUDGE  
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