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

10 CLARENCE B. HICKMAN, SR.,

11 Plaintiff,

No. 2:13-cv-0836 KJN P

12 vs.

13 COUNTY OF BUTTE, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff, a state prisoner proceeding without counsel or “pro se,” has filed a civil
17 rights action pursuant to 42 U.S.C. § 1983. Plaintiff has filed an application to proceed in forma
18 pauperis pursuant to 28 U.S.C. § 1915.

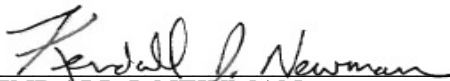
19 The federal venue statute provides that a civil action “may be brought in (1) a
20 judicial district in which any defendant resides, if all defendants are residents of the State in
21 which the district is located, (2) a judicial district in which a substantial part of the events or
22 omissions giving rise to the claim occurred, or a substantial part of property that is the subject of
23 the action is situated, or (3) if there is no district in which an action may otherwise be brought as
24 provided in this action, any judicial district in which any defendant is subject to the court’s
25 personal jurisdiction with respect to such action.” 28 U.S.C. § 1391(b).

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1 In this case, the claim arose in Napa County, which is in the Northern District of
2 California.¹ Therefore, plaintiff's claim should have been filed in the United States District
3 Court for the Northern District of California. In the interest of justice, a federal court may
4 transfer a complaint filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a);
5 Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

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

8 DATED: May 3, 2013

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11 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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25 ¹ Although plaintiff included "County of Butte" in the caption of his complaint, he did
26 not list the County of Butte as a defendant (dkt. no. 1 at 2.) There are no charging allegations as
to the County of Butte, and the incidents upon which plaintiff's allegations are based occurred at
Napa State Hospital.