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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PHILLIP McINTYRE,

Plaintiff,

v.

ALTERNATIVE LOAN TRUST 2006-
OC10; THE BANK OF NEW YORK
MELLON fka THE BANK OF NEW
YORK as TURSTEE for
theALTERNATIVE LOAN TRUST 2006-
OC10; and DOES 1-10,

Defendants.

No. 2:13-cv-1597-TLN-EFB PS

ORDER

Plaintiff initiated this action by filing a complaint in the United States District Court for the Southern District of New York. ECF No. 1. The case was transferred to this court because plaintiff is a resident of the County of Sacramento and the real property at issue in this case is located in Sacramento County. ECF No. 3. Plaintiff requests that this court transfer the case back to the district court in New York to allow that court to reconsider its order transferring the case. ECF No. 6. Petitioner contends that New York is a convenient forum because defendants are located in New York and New York state law is applicable to this case.

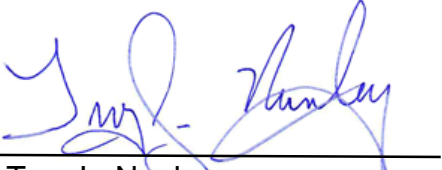
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A civil action may be commenced in “a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated.” 28 U.S.C. § 1391(b)(2). “For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought” 28 U.S.C. § 1404(a).

The real property at issue in this action is located in Sacramento County. Witnesses and evidence necessary for the resolution are likely more available in this district. Accordingly, transfer of this case to this district was appropriate and plaintiff’s motion is therefore denied.

DATED: November 14, 2013



Troy L. Nunley
United States District Judge