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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIM EGGBRECHT,
Plaintiff,
v.
COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

No. 2:13-cv-01692-KJN

ORDER

Title 42 U.S.C. § 405(g) provides that an action seeking judicial review of a final decision of the Commissioner of Social Security “shall be brought in the district court of the United States for the judicial district in which the plaintiff resides....” Upon further review of the file, it appears that plaintiff resides in Oak Park, CA, a city in Ventura County, which is located in the Central District of California. As such, the action was improperly commenced in this district.

Pursuant to 28 U.S.C. § 1406(a), “[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” Here, given that the erroneous filing in this district was likely an inadvertent error, and the fact that social security claimants already face long wait times for resolution of their cases, the court finds that the interests of justice support a transfer to the Central District in lieu of dismissal.

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Accordingly, IT IS HEREBY ORDERED that:

1. The action is TRANSFERRED to the United States District Court for the Central District of California.
2. The Clerk of Court shall vacate all dates and close this case.

IT IS SO ORDERED.

Dated: November 18, 2014


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE