UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

LANCE IAN OSBAND,

Plaintiff,

v.

SAN QUENTIN STATE PRISON WARDEN,

Defendant.

No. 2:13-cv-1755-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. Plaintiff has filed an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. ECF No. 9.

A civil action, other than one based on diversity jurisdiction, must be brought 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).

Based upon the allegations in the original complaint and the amended complaint, it appears that plaintiff wishes to challenge his conditions of confinement at San Quentin State

Prison. Specifically, he appears to challenge a rules violation report and/or the confiscation of his personal property that occurred on or around August 14, 2013. *See* ECF No. 1; ECF No. 5 at 4, 7, 11, and 12.[1] Each of these claims arose at San Quentin State Prison, which is in Marin County. Marin County lies within the venue of the Northern District of California.

The amended complaint names defendants located in this district who allegedly "conspired" with officials at San Quentin. For that reason alone, venue may be proper in this district. However, the court finds that the convenience of the parties and witnesses and the interests of justice would be better served by transferring this action to the Northern District, where venue is also proper.

Accordingly, IT IS HEREBY ORDERED that this case is transferred to the Northern District of California. *See* 28 U.S.C. §§ 84(a), 1404(a).

Dated: November 5, 2013.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

[1] Page number citations refer to those assigned by the court's electronic case management filing system and not those assigned by plaintiff.