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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLYDE LIVINGSTON,  
Plaintiff,  
v.  
UNUM PROVIDENT, et al.,  
Defendants.

No. 2:14-cv-0456 LKK CKD PS

ORDER

Plaintiff is proceeding in this action pro se and brings this action under ERISA. The ERISA venue statute provides that an action may be brought in the district where the plan is administered, where the breach took place, or where a defendant resides or may be found. 29 U.S.C. § 1132(e)(2). In this case, the plan is administered in Maine and defendant Unum Provident is located in Portland, Maine. Therefore, plaintiff's claim should have been filed in the United States District Court, District of Maine, Portland Division. In the interest of justice, a federal court may transfer a complaint filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

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Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States District Court, District of Maine, Portland Division.

Dated: February 13, 2014

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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