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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN HARDNEY,  
Plaintiff,  
v.  
JEFFREY FERGUSON, et al.,  
Defendants.

No. 2:15-cv-2617 KJM DB P

ORDER

Plaintiff is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff’s complaint and application to proceed in forma pauperis are before the court.

The federal venue statute provides that a civil action “may be brought in (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located, (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) if there is no district in which an action may otherwise be brought as provided in this action, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. § 1391(b).

In this case, the claim arose while plaintiff was housed at Pelican Bay State Prison in Crescent City, California, which is in the Northern District of California. Therefore, plaintiff’s

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

5 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United  
6 States District Court for the Northern District of California. The court has not ruled on plaintiff's  
7 application to proceed in forma pauperis.

8 Dated: March 31, 2017

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11 DEBORAH BARNES  
12 UNITED STATES MAGISTRATE JUDGE

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