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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STATE FARM LIFE INSURANCE
COMPANY,

Plaintiff,

v.

RANADA LOWE,

Defendant.

No. 2:16-cv-1048 KJM CKD PS

ORDER

This matter was referred to the undersigned for pretrial management by minute order filed October 12, 2016. Defendant has requested telephonic appearance at any status conference due to financial hardship. Defendant indicates that a non-refundable plane ticket was purchased at a cost of \$600 and that money was lost when the schedule was changed due to the reassignment. In the interest of justice, any scheduling order that issues will be conducted on the papers.

Defendant has not yet filed a responsive pleading. Defendant is advised that an answer or other responsive pleading must be filed within thirty days or default judgment may be taken against defendant.

The complaint in this declaratory relief action alleges diversity as the basis of subject matter jurisdiction. The federal venue statute provides that a civil action may be brought only in “(1) a judicial district where any defendant resides, if all defendants are residents of the State in

1 which the district is located; (2) a judicial district in which a substantial part of the events or
2 omissions giving rise to the claim occurred, or a substantial part of property that is the subject of
3 the action is situated; or (3) if there is no district in which an action may otherwise be brought as
4 provided in this section, any judicial district in which any defendant is subject to the court's
5 personal jurisdiction with respect to such action." 28 U.S.C. § 1391(b). In the interest of justice,
6 and for the convenience of the parties and witnesses, a federal court may transfer any civil action
7 to any other district where it might have been brought. See 28 U.S.C. § 1404(a). In this case, it
8 appears that defendant has resided in Cape Girardeau, Missouri, which is located in the Eastern
9 District of Missouri, since before this action was commenced. Given defendant's pro se status
10 and the financial hardships that will be imposed on defendant if this action is prosecuted in
11 California, it appears that transfer to the District Court in Missouri is appropriate.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. No later than October 28, 2016, defendant shall file a statement of whether plaintiff's
14 proposed trial date of July, 2017 is objectionable. If defendant objects to a trial date in July,
15 2017, defendant shall set forth an alternative trial date.

16 2. No later than November 14, 2016, defendant shall file an answer or other responsive
17 pleading.

18 3. No later than October 28, 2016, the parties shall file objections, if any, to the transfer
19 of this action to the United States District Court, Eastern District of Missouri.

20 Dated: October 12, 2016

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22 CAROLYN K. DELANEY
23 UNITED STATES MAGISTRATE JUDGE

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