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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

OMAR SHARRIEFF GAY,
Plaintiff,
v.
JENNIFER SHAFFER, et al.,
Defendants.

No. 2:16-cv-2533 GEB CKD P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed an action for violation of civil rights under 42 U.S.C. §983. Plaintiff originally filed this action in the United States District Court for the Northern District of California. On November 1, 2016, the Northern District transferred the case here finding that:

A substantial part of the events or omissions giving rise to the claim(s) occurred, and the defendants named reside, in the counties of Solano and/or Sacramento, which lie within the venue of the Eastern District of California. See 28 U.S.C. § 84(b). Venue therefore properly lies in the Eastern District. See id. § 1391(b).

On November 1, 2016, plaintiff filed a motion asking that this matter be transferred back to the Northern District. Plaintiff's complaint essentially involves interviews conducted by certain defendants with plaintiff in order to determine plaintiff's suitability for parole. The interviews were conducted at plaintiff's place of incarceration. Plaintiff admits that when he filed

1 this action he was housed at California State Prison, Solano. But, he clarifies that in paragraph 3
2 of his complaint he indicates “[d]uring all relevant times in this complaint, plaintiff was confined
3 at “CTF-C,” and that CTF-C is the Correctional Training Facility, in Soledad, California.
4 Soledad lies in Monterey County which is within the jurisdiction of the Northern District. Also,
5 there is no indication in the complaint where any defendant resides.¹

6 Because the events giving rise to plaintiff’s claims occurred in Monterey County, and
7 because a plaintiff’s choice of forum receives deference in a motion for transfer of venue, Decker
8 Coal Co. v. Commonwealth Edison Co., 805 F.2d 834, 843 (9th Cir. 1986), plaintiff’s motion to
9 transfer this action back to the Northern District will be granted.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Plaintiff’s motion to transfer venue (ECF No. 10) is granted; and
- 12 2. This matter is transferred to the United States District Court for the Northern District of
13 California.

14 Dated: March 21, 2017

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17 CAROLYN K. DELANEY
18 UNITED STATES MAGISTRATE JUDGE

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28 ¹ Although a fair assumption is that defendant Shaffer, the head of the California Board of Parole
Hearings, resides in Sacramento.