

1 On June 16, 2017, plaintiff filed objections.¹ (ECF No. 30.) Therein, plaintiff asserts that he did
2 not file this action in this court to circumvent his filing restrictions in the Northern District. (Id.
3 at 1.) However, plaintiff did file this action in this district “with the understanding that the Clerks
4 would transfer Plaintiff’s complaint to the Northern District.” (Id. at 2.)

5 Venue in a civil action is generally proper in (1) a judicial district where any defendant
6 resides, if all defendants reside in the same State in which the district is located, (2) a judicial
7 district in which a substantial part of the events or omissions giving rise to the claim occurred or
8 (3) a judicial district in which any defendant is subject to personal jurisdiction at the time the
9 action is commenced, if there is no district in which the action may otherwise be brought. 28
10 U.S.C. § 1391(b). However, a Federal Tort Claims Act cause of action against the United States
11 may only be brought in the district in which plaintiff resides or wherein the alleged act or
12 omission occurred. 28 U.S.C. § 1402(b). Nonetheless, “[f]or the convenience of parties and
13 witnesses, in the interest of justice, a district court may transfer any civil action to any other
14 district or division where it might have been brought or to any district or division to which all
15 parties have consented.” 28 U.S.C. § 1404(a).

16 Here, the events at issue took place in the Northern District. Plaintiff believed this action
17 would be transferred to the Northern District. And the parties have a substantial litigation history
18 in the Northern District. In this regard, even if plaintiff did not purposefully file this action in this
19 district to circumvent the filing restrictions in the Northern District, it appears to the undersigned
20 that this action should be transferred to the United States District Court for the Northern District
21 of California.

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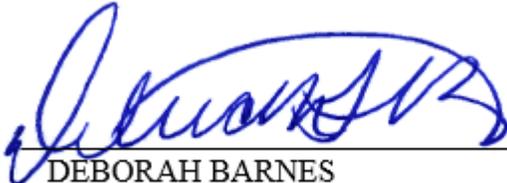
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27 ¹ On June 20, 2017, defendants filed a statement of non-opposition to the transfer of this action to
28 the Northern District. (ECF No. 33.)

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Accordingly, IT IS HEREBY ORDERED that this action is transferred to the United States District Court for the Northern District of California.

Dated: July 4, 2017



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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