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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIT LARSEN,  
  
Plaintiff,  
  
v.  
  
U.S. DEPARTMENT OF EDUCATION,  
  
Defendant.

No. 2:17-cv-0716 TLN CKD PS

ORDER

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 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 section, 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 action, plaintiffs allege that defendant is located in Greenville, Texas, which is in the Northern District of Texas. Therefore, plaintiff’s claim should have been filed in the United States District Court, Northern District of Texas. 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, Northern District of Texas.

Dated: April 5, 2017

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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