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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DUANE PEYTON LINDER,
Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION,
Defendant.

Case No. 17-cv-02223-KAW (PR)

ORDER OF TRANSFER

Plaintiff Duane Peyton Lender, a state prisoner incarcerated at the Mule Creek State Prison (“MCSP”) in Ione, California, has filed a civil rights action under 42 U.S.C. § 1983 asserting inadequate medical care from MCSP and the California Department of Corrections and Rehabilitation.

When jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same State, (2) the 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) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. *See* 28 U.S.C. § 1391(b).

The conduct regarding Plaintiff’s medical treatment alleged in his complaint occurred at MCSP, which is located in the Eastern District of California. Venue, therefore properly lies in the Eastern District and not in this one. *See* 28 U.S.C. § 1391(b).

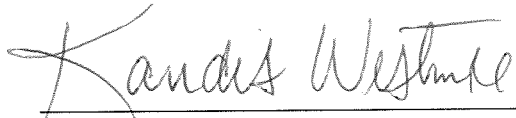
Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the United States District Court for the Eastern District of California. The

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Clerk of the Court shall terminate all motions and transfer the case forthwith.

IT IS SO ORDERED.

Dated: 5/2/17



KANDIS A. WESTMORE
UNITED STATES MAGISTRATE JUDGE