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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JERMAINE DANIEL ROBINSON,
Petitioner,
v.
ATACADERO STATE HOSPITAL,
Respondent.

No. 2:22-cv-1587 KJN P

ORDER

Petitioner, a civil detainee at Atascadero State Hospital proceeding pro se, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner paroled from the California Department of Corrections and Rehabilitation, but was determined to be a mentally disordered offender and was subsequently housed at Atascadero State Hospital for treatment.

Atascadero State Hospital is located in San Luis Obispo County. Although petitioner filed his allegations on the form for habeas corpus relief, his allegations are more properly construed as a civil rights action under 42 U.S.C. § 1983 because he challenges the condition of his confinement at the hospital.

The federal venue statute provides that a civil action “may be brought in (1) a judicial district in which 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

1 is situated, or (3) if there is no district in which an action may otherwise be brought as provided in
2 this action, any judicial district in which any defendant is subject to the court's personal
3 jurisdiction with respect to such action." 28 U.S.C. § 1391(b).

4 In this case, the claim arose in San Luis Obispo County, which is in the Central District of
5 California. Therefore, plaintiff's claim should have been filed in the United States District Court
6 for the Central District of California. In the interest of justice, a federal court may transfer a
7 complaint filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v.
8 McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

9 Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that this matter is
10 transferred to the United States District Court for the Central District of California. Id. at 499
11 n.15; 28 U.S.C. § 2241(d).

12 Dated: September 19, 2022

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15 KENDALL J. NEWMAN
16 UNITED STATES MAGISTRATE JUDGE

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