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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DORNIESE WALLACE	}	No. C 06-2723 JSW (PR)
Plaintiff,	}	
vs.	}	<b>ORDER OF TRANSFER</b>
WARDEN,	}	(Docket No. 2)
Defendants.	}	

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Plaintiff is a state prisoner currently incarcerated at Central California Women’s Facility, located in Chowchilla, California, within the venue of the United States District Court for the Eastern District of California. She filed this civil rights action in the United States District Court for the Northern District of California on April 21, 2006. Although the complaint is largely incomprehensible, Plaintiff is apparently complaining of violations of her civil rights while incarcerated at that facility, due to inadequate medical treatment for cancer. Plaintiff has also filed a motion seeking to proceed *in forma pauperis* (docket no. 2).

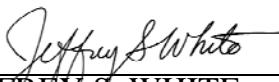
When jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part 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. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. §

1 1406(a). Venue may be raised by the court sua sponte where the defendant has not yet  
2 filed a responsive pleading and the time for doing so has not run. *Costlow v. Weeks*, 790  
3 F.2d 1486, 1488 (9th Cir. 1986).

4 Plaintiff apparently complains about medical treatment received at the Central  
5 California Women's Facility, located in Solano County, within the venue of the Eastern  
6 District of California. *See* 28 U.S.C. § 84. Therefore, the Court will transfer this action  
7 to the United States District Court for the Eastern District of California. Accordingly, IT  
8 IS ORDERED in the interest of justice, and pursuant to 28 U.S.C. § 1406(a), that this  
9 action be TRANSFERRED to the United States District Court for the Eastern District of  
10 California. The Clerk of the Court shall transfer this matter forthwith. In light of the  
11 transfer, this Court will not decide Plaintiff's pending motion.

12 IT IS SO ORDERED.

13 DATED: May 1, 2006

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16 JEFFREY S. WHITE  
17 United States District Judge  
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