

United States District Court

For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALFRED YARBOROUGH,  
Plaintiff,

No. C 06-7311 SI (pr)

**ORDER OF DISMISSAL**

v.

ARNOLD SCHWARZENEGGER, etc.;  
et al.,  
Defendants.

Alfred Yarborough, an inmate at Centinela State Prison, filed this pro se civil rights action under 42 U.S.C. § 1983, seeking damages and injunctive relief from Governor Schwarzenegger and other unidentified defendants for allegedly unconstitutional conditions at Centinela State Prison.

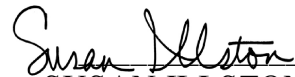
The Northern District of California is not a proper venue for this action because it appears that none of the defendants reside in this district and no event or omission giving rise to the complaint occurred in this district. The only identified defendant resides in the Eastern District of California. The events or omissions that gave rise to the complaint occurred at Centinela State Prison in Imperial County, within the venue of the Southern District of California. Venue therefore may be proper in the Eastern District or the Southern District of California, but is not proper in the Northern District. See 28 U.S.C. § 1391(b). An action filed in the wrong venue may be dismissed or transferred to the proper venue. See 28 U.S.C. § 1406(a). Although the

1 court frequently transfers prisoner cases to the proper venue when they have been filed in the  
2 wrong venue, it will not do so here because there appear to be two districts in which the action  
3 may be brought. The court will leave it to Yarborough to decide whether he wants to proceed  
4 in the Eastern District or Southern District of California.

5 Accordingly, pursuant to 28 U.S.C. § 1406(a) this action is DISMISSED. This dismissal  
6 is without prejudice to Yarborough filing a new action in the Eastern District or Southern  
7 District of California. The clerk shall close the file.

8 IT IS SO ORDERED.

9 Dated: 11/30/06 \_\_\_\_\_



SUSAN ILLSTON

United States District Judge

United States District Court

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