

United States District Court  
For the Northern District of California

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

JOHN BURTON,

No. C-08-4102 MMC

Plaintiffs,

**ORDER DISMISSING ACTION**

v.

CITY OF KANAB, UTAH, et al.,

Defendants

By order filed September 10, 2008, the Court directed plaintiff to show cause, no later than September 26, 2008, why the instant action should not be dismissed for improper venue, pursuant to 28 U.S.C. § 1406(a). No response has been filed.

Accordingly, for the reasons stated in the Court's order of September 10, 2008, the Court finds venue is not proper in this district, and hereby DISMISSES the complaint, without prejudice to plaintiff's refiling his claims in a proper forum.

**IT IS SO ORDERED.**

Dated: October 3, 2008

  
MAXINE M. CHESNEY  
United States District Judge