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United States District Court  
For the Northern District of California

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

NICHOLAS DAVID ANDREAS,	)	No. C 08-4221 MMC (PR)
	)	
Plaintiff,	)	<b>ORDER OF TRANSFER</b>
	)	
v.	)	
	)	
WARDEN JAMES A. YATES, et	)	
al.,	)	
	)	
Defendants.	)	
_____	)	

On September 8, 2008, plaintiff, a California prisoner incarcerated at Pleasant Valley State Prison (“PVSP”) in Coalinga, California, and proceeding pro se, filed the above-titled civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff alleges that prison officials at PVSP are violating his constitutional rights in a variety of ways. He seeks injunctive relief prohibiting the alleged unlawful actions.

Venue may be raised by the court sua sponte where the defendant has not filed a responsive pleading and the time for doing so has not run. See Costlow v. Weeks, 790 F.2d 1486, 1488 (9th Cir. 1986). When jurisdiction is not founded solely on diversity, venue is proper in (1) the district in which 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 the property that is the subject of the action is

1 situated; or (3) a judicial district in which any defendant may be found, if there is no district  
2 in which the action may otherwise be brought. See 28 U.S.C. § 1391(b). When venue is  
3 improper, the district court has the discretion to either dismiss the case or transfer it “in the  
4 interest of justice.” See 28 U.S.C. § 1406(a).

5       It is clear from the complaint herein that plaintiff is complaining about acts alleged to  
6 have been committed at PVSP by PVSP employees. PVSP is located in Coalinga, California,  
7 which is located in Fresno County. Fresno County, in turn, is located within the venue of the  
8 Eastern District of California. See 28 U.S.C. § 84(b). As a result, venue is proper in the  
9 Eastern District of California, not in the Northern District.

10       Accordingly, in the interest of justice, the above-titled action is hereby  
11 TRANSFERRED to the United States District Court for the Eastern District of California.

12       The Clerk shall close the file.

13       IT IS SO ORDERED.

14 DATED: September 19, 2008

  
MAXINE M. CHESNEY  
United States District Judge