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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

CHEN HALE,
Plaintiff,
v.
VACAVILLE HOUSING AUTHORITY,
Defendant

No. C-08-5608 MMC

**ORDER TRANSFERRING ACTION TO
EASTERN DISTRICT OF CALIFORNIA**

Before the Court is plaintiff Chen Hale’s (“Hale”) response to the Court’s January 22, 2009 order directing her to show cause why the instant action should not be dismissed for improper venue.

In her response, Hale notes that the Department of Housing and Urban Development (“HUD”) has an office in the Northern District. Hale has not, however, sued HUD or any of its employees, nor has Hale alleged in her complaint or asserted in her response to the order to show cause that any of act or omission of defendant Vacaville Housing Authority occurred in the Northern District. Further, although Hale states she has a “disability” and problems understanding the English language, such circumstances do not provide a basis for venue in the Northern District. See 28 U.S.C. § 1391(b).

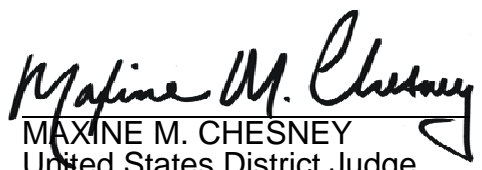
Consequently, for the reasons stated in the Court’s January 22, 2009 order, the Court finds venue in the instant district is improper.

1 Finally, Hale requests that if the Court finds venue is improper in the Northern
2 District, the Court should transfer the instant action to the Eastern District of California.
3 Because defendant resides in the Eastern District, venue appears proper therein. See 28
4 U.S.C. § 1391(b)(1). Under the circumstances, the Court, in the interests of justice, will
5 transfer the action thereto. See 28 U.S.C. § 1406(a).¹

6 Accordingly, the instant action is hereby TRANSFERRED to the Eastern District of
7 California.

8 **IT IS SO ORDERED.**

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10 Dated: February 9, 2009


MAXINE M. CHESNEY
United States District Judge

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¹In light of the transfer, the Court will not rule on Hale's application to proceed in forma pauperis and Hale's request for appointment of counsel, to afford the Eastern District the opportunity to consider such matters.