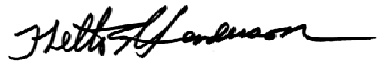


1 case is filed in the wrong venue, the district court has the discretion either to dismiss the
2 case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. §
3 1406(a). Venue may be raised by the court sua sponte where the defendant has not yet
4 filed a responsive pleading and the time for doing so has not run. Costlow v. Weeks,
5 790 F.2d 1486, 1488 (9th Cir. 1986).

6 Accordingly, IT IS ORDERED that, in the interest of justice and pursuant to 28
7 U.S.C. § 1406(a), this action be TRANSFERRED to the United States District Court for
8 the Eastern District of California. The Clerk shall transfer this matter forthwith.
9 SO ORDERED.

10
11 DATED: 01/23/09



THELTON E. HENDERSON
United States District Judge