1

2

3

4

5

6

7

8   IN THE UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11   ROY BRIDGEFORTH,   No. CIV S-09-1218 CMK P

12   Plaintiff,

13   vs.   ORDER

14   BEN CURRY, et al.,

15   Defendants.

16   _____/

17   Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant

18   to 42 U.S.C. § 1983, together with a request to proceed in forma pauperis. In light of the 1996

19   amendments to 28 U.S.C. § 1915, this court will not rule on plaintiff's request to proceed in

20   forma pauperis.

21   The federal venue statute requires that a civil action, other than one based on

22   diversity jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all

23   defendants reside in the same State, (2) a judicial district in which a substantial part of the events

24   or omissions giving rise to the claim occurred, or a substantial part of property that is the subject

25   of the action is situated, or (3) a judicial district in which any defendant may be found, if there is

26   no district in which the action may otherwise be brought." 28 U.S.C. § 1391(b).

1

1   In this case, none of the defendants reside in this district. The claim arose in

2 Monterey County, which is in the Northern District of California. Therefore, plaintiff's claim

3 should have been filed in the United States District Court for the Northern District of California.

4 In the interest of justice, a federal court may transfer a complaint filed in the wrong district to the

5 correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir.

6 1974).

7   Accordingly, IT IS HEREBY ORDERED that:

8   1. This court has not ruled on plaintiff's request to proceed in forma pauperis; and

9   2. This matter is transferred to the United States District Court for the Northern

10 District of California.

12 DATED: May 11, 2009

                                                 _____
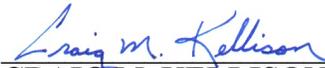
CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE

/md
brid09cv1218.21

2