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

ROMEO V. APOSTOL,

Plaintiff,

No. CIV S-09-1563 JAM DAD PS

vs.

CASTRO VALLEY UNIFIED  
SCHOOL DISTRICT, et al.,

Defendants.

ORDER

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Plaintiff, an individual proceeding in propria persona, has filed an employment discrimination action asserting jurisdiction pursuant to Title VII of the Civil Rights Act of 1964 and the ADEA. Plaintiff has also applied to proceed in forma pauperis. The case has been referred to the undersigned pursuant to Local Rule 72-302(c)(21).

Plaintiff alleges discrimination, harassment, retaliation, and other violations of his rights by the school district, the superintendent, the assistant superintendent, the operations supervisor, the adult school director, the business services assistant superintendent, the director of maintenance and operations, the site supervisor, and union representatives. Plaintiff's claims arise from events that occurred within the school district, which is located in the County of Alameda.

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1 The federal venue statute provides that

2 [a] civil action wherein jurisdiction is not founded solely on  
3 diversity of citizenship may, except as otherwise provided in law,  
4 be brought only in (1) a judicial district where any defendant  
5 resides, if all defendants reside in the same State, (2) a judicial  
6 district in which a substantial part of the events or omissions giving  
7 rise to the claim occurred, or a substantial part of property that is  
8 the subject of the action is situated, or (3) a judicial district in  
9 which any defendant may be found, if there is no district in which  
10 the action may otherwise be brought.

11 28 U.S.C. § 1391(b).

12 Here, defendant Castro Valley Unified School District is located in Alameda  
13 County and a substantial part, if not all, of the events or omissions giving rise to plaintiff's  
14 claims occurred in Alameda County. The action should have been brought in the United States  
15 District Court for the Northern District of California because Alameda County is part of that  
16 district. See 28 U.S.C. § 84(a). In the interests of justice, this action will be transferred to the  
17 United States District Court for the Northern District of California for further proceedings,  
18 including a ruling on plaintiff's application to proceed in forma pauperis and plaintiff's motion  
19 for appointment of counsel. See 28 U.S.C. § 1404(a).

20 Accordingly, IT IS ORDERED that this action is transferred to the United States  
21 District Court for the Northern District of California.

22 DATED: June 12, 2009.

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25 DALE A. DROZD  
26 UNITED STATES MAGISTRATE JUDGE

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