

1 the claim occurred, or a substantial part of property that is the subject of the action is
2 situated, or (3) a judicial district in which any defendant may be found, if there is no
3 district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Where a
4 case is filed in the wrong venue, the district court has the discretion either to dismiss the
5 case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. §
6 1406(a). Venue may be raised by the court sua sponte where the defendant has not yet
7 filed a responsive pleading and the time for doing so has not run. *Costlow v. Weeks*, 790
8 F.2d 1486, 1488 (9th Cir. 1986).

9 Plaintiff brings his claims involving Defendants who reside within the venue of
10 the Central District of California, in a case where a substantial part of the events or
11 omissions giving rise to the claim also occurred. *See* 28 U.S.C. §1391(b)(2).
12 Accordingly, IT IS ORDERED in the interest of justice, and pursuant to 28 U.S.C. §
13 1406(a), that this action be TRANSFERRED to the United States District Court for the
14 Central District of California. The Clerk of the Court shall transfer this matter forthwith.

15 IT IS SO ORDERED.

16 DATED: May 3, 2010

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19 JEFFREY S. WHITE
20 United States District Judge
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 FREDDIE F W WORTHAM,
6
7 Plaintiff,

Case Number: CV09-04474 JSW

CERTIFICATE OF SERVICE

8 v.

9 GONZALEZ, et al,
10 Defendant.
_____ /

11
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

13 That on May 3, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
15 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
16 receptacle located in the Clerk's office.

17
18 Freddie Fernando Wortham Prisoner Id P-82065
19 Ironwood State Prison
20 P.O. Box 2199
21 Blythe, CA 92226

22 Dated: May 3, 2010

Jennifer Ottolini

Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk

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