

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

| | | |
|-------------------------------|---|------------------------|
| ROBERT P. SMITH III, D-00615, |) | |
| |) | |
| Plaintiff(s), |) | No. C 10-2959 CRB (PR) |
| |) | |
| vs. |) | ORDER OF TRANSFER |
| |) | |
| STATE OF CALIFORNIA, et al., |) | |
| |) | |
| Defendant(s). |) | |
| _____ |) | |

Plaintiff, a prisoner at Salinas Valley State Prison (SVSP), has filed a pro se civil rights complaint under 42 U.S.C. § 1983 alleging various deprivations of his federal constitutional rights while at California State Prison, Corcoran (CSP – COR) and SVSP. For cases such as this, which are based on federal question jurisdiction, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b).

1 Here, plaintiff acknowledges that "the bulk of the asserted acts" occurred in the
2 Eastern District of California "during the time [he] was housed at CSP – COR, roughly
3 between August 1998 and September 2009." Compl. at 3-4. Not surprisingly, all but
4 one of the more than 25 defendants named in the complaint reside in the Eastern District
5 of California. The one exception is the warden of SVSP, where plaintiff was transferred
6 on September 9, 2009.

7 Because a substantial part of the events or omissions giving rise to plaintiff's
8 claims occurred in the Eastern District of California, the court finds that this action
9 should proceed in the Eastern District of California. Cf. 28 U.S.C. § 1391(b).

10 Accordingly, IT IS ORDERED that, in the interest of justice and pursuant to 28
11 U.S.C. § 1406(a), this action be TRANSFERRED to the United States District Court for
12 the Eastern District of California.

13 The clerk shall transfer this matter and terminate all pending motions as moot.
14 SO ORDERED.

15 DATED: Feb. 22, 2011



16 CHARLES R. BREYER
17 United States District Judge
18
19
20
21
22
23
24
25
26