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

MAILLARD KING,)	No. C 10-3137 JSW (PR)
)	
Plaintiff,)	ORDER OF TRANSFER
)	
v.)	
)	
M.C. SAYRE, et al.,)	(Docket Nos. 2, 3)
)	
Defendants.)	
_____)	

Plaintiff, a California prisoner incarcerated at Pelican Bay State Prison (“PBSP”), has filed this pro se civil rights complaint under 42 U.S.C. § 1983. Although Plaintiff currently resides at PBSP, the bulk of his claims arise out of events occurring at the California State Prison, Solano (“Solano”) and six of the eight named Defendants are located at Solano. Solano is located within the venue of the United States District Court for the Eastern District of California.

When, as here, jurisdiction is not founded solely on diversity, 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). As there are named Defendants located in both the Northern and Eastern Districts, under Section 1391(b), venue is allowed in either district.

However, where an alternative forum with greater relation to the defendant or the


1 action exists than the forum in which the action was filed, 28 U.S.C. § 1404(a) allows
2 transfer of a case from one federal district court to another "[f]or the convenience of
3 parties and witnesses, in the interest of justice." As the majority of the claims arise from
4 events occurring in the Eastern District and most of the Defendants are located there, the
5 Eastern District has a greater relation to both the claims and the Defendants than does
6 this Court.

7 Accordingly, IT IS ORDERED in the interest of justice and for the convenience
8 of both the parties and the witnesses, and pursuant to 28 U.S.C. § 1404(a), that this
9 action be TRANSFERRED to the United States District Court for the Eastern District of
10 California. In light of the transfer, the Court will not resolve Plaintiff's request for leave
11 to proceed *in forma pauperis* or his motion for injunctive relief, and the Clerk shall
12 terminate docket numbers 2 and 3 from this Court's docket.

13 The Clerk of the Court shall transfer this matter forthwith.

14 IT IS SO ORDERED.

15
16 DATED: November 30, 2010

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18 _____
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 MAILLIARD L. KING,
6
7 Plaintiff,

Case Number: CV10-03137 JSW

CERTIFICATE OF SERVICE

8 v.

9 M.C. SAYRE et al,
10 Defendant.
_____ /

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

13 That on November 30, 2010, I SERVED a true and correct copy(ies) of the attached, by placing
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
15 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
16 delivery receptacle located in the Clerk's office.

17 Mailliard L. King
18 Pelican Bay State Prison
19 P.O. Box 7500
#K06711
Crescent City, CA 95532-7500

20 Dated: November 30, 2010



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