

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOB SAVAGE,

No. C 11-2055 SI (pr)

Plaintiff,

ORDER OF TRANSFER

v.

K. DICKSINON; et al.,

Defendants.

Bob Savage filed this civil rights action under 42 U.S.C. § 1983, complaining of events or omissions that occurred at the California Medical Facility in Vacaville. Vacaville is in Solano County, within the venue of the Eastern District of California. Defendants are alleged to work either at that prison or at the CDCR's headquarters in Sacramento, and all apparently reside in the Eastern District. No defendant is alleged to reside in the Northern District. Venue therefore would be proper in the Eastern District and not in this one. See 28 U.S.C. § 1391(b).

Savage alleges that this court has jurisdiction under the Armstrong Remedial Plan, see Armstrong v. Davis, C 94-2307 CW. The existence of a class action in this district does not make this district the proper venue for plaintiff's claims. Indeed, if his equitable and injunctive relief requests are for matters actually covered by Armstrong, his recourse is not a civil action but instead is to seek help from class counsel in Armstrong "Individual members of the class and other prisoners may assert any equitable or declaratory claims they have, but they must do so by urging further actions through the class representative and attorney, including contempt proceedings, or by intervention in the class action." Gillespie v. Crawford, 858 F.2d 1101, 1103 (5th Cir. 1988) (en banc). If Savage wants to complain about a perceived failure to comply with


1 some order in Armstrong, he may contact the plaintiff's class counsel at this address: Donald
2 Specter, Esq., Prison Law Office, 1917 Fifth Street, Berkeley, CA 94710.

3 Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is
4 TRANSFERRED to the United States District Court for the Eastern District of California. The
5 clerk shall transfer this matter.

6 The court has not ruled on the in forma pauperis application.

7 IT IS SO ORDERED.

8 Dated: June 19, 2011


SUSAN ILLSTON
United States District Judge

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