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

In re)	No. C 12-2073 JSW (PR)
)	
JOHN KING, JR.,)	ORDER OF TRANSFER
)	
Plaintiff.)	
_____)	(Docket No. 4)

Plaintiff, a California prisoner incarcerated at California Medical Facility (“CMF”), has filed this pro se civil rights complaint under 42 U.S.C. § 1983 complaining of events taking place there.

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). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. § 1406(a). Venue may be raised by the court *sua sponte* where the defendant has not yet filed a responsive pleading and the time for doing so has not run. *Costlow v. Weeks*, 790 F.2d 1486, 1488 (9th Cir. 1986).

Plaintiff’s claims arise out of events occurring at CMF by officials located there. CMF is located in Vacaville, California, in Solano County, which lies within the venue

1 of the United States District Court for the Eastern District of California.

2 Accordingly, IT IS ORDERED in the interest of justice, and pursuant to 28 U.S.C.
3 § 1406(a), that this action be TRANSFERRED to the United States District Court for the
4 Easter District of California. Ruling on Plaintiff's motion for leave to proceed in forma
5 pauperis is deferred to the Eastern District.

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

7 IT IS SO ORDERED.

8 DATED: June 11, 2012

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10 _____
11 JEFFREY S. WHITE
12 United States District Judge
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 IN RE JOHN KING JR.,
6 Plaintiff,
7

Case Number: CV12-02073 JSW

CERTIFICATE OF SERVICE

8 v.

9 IN RE JOHN KING JR. 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 June 11, 2012, 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 John King
18 California Medical Facility
19 P32616
20 P.O. Box 2000
21 Vacaville, CA 95696

22 Dated: June 11, 2012

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

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