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

VINCENT C. COFIELD,

Plaintiff,

v.

DOES, et al.,

Defendants.

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) No. C 12-5002 JSW (PR)

) **ORDER OF TRANSFER**

) **(Docket No. 5)**

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On September 25, 2012, Plaintiff, a California prisoner incarcerated at the High Desert State Prison (“HDSP”), filed a letter complaining about the medical care he is receiving there and other actions by prison officials. Because the letter was not in the form of a complaint, the Clerk notified Plaintiff that he must either file a complaint or the case would be dismissed without prejudice. Plaintiff responded to the notice with another letter dated November 5, 2012, indicating that his previous letter was in fact a complaint. So construed, this case is TRANSFERRED to the court where venue is proper.

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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


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

5 Plaintiff’s allegations concern events at HDSP and actions by officials located  
6 there. HDSP is located within the venue of the United States District Court for the  
7 Eastern District of California. Accordingly, IT IS ORDERED in the interest of justice,  
8 and pursuant to 28 U.S.C. § 1406(a), that this action be TRANSFERRED to the United  
9 States District Court for the Eastern District of California. Ruling on Plaintiff’s motion  
10 for leave to proceed in forma pauperis (Dkt. No. 5) is deferred to the Eastern District.

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

12 IT IS SO ORDERED.

13 DATED: December 14, 2012

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16 JEFFREY S. WHITE  
17 United States District Judge  
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1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
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5 VINCENT E COFIELD,  
6 Plaintiff,

Case Number: CV12-05002 JSW

7 **CERTIFICATE OF SERVICE**

8 v.


9 HIGH DESERT STATE PRISON 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 December 19, 2012, 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 Vincent E. Cofield G31012  
18 High Desert State Prison  
19 P.O. Box 3030  
20 Susanville, CA 96127

21 Dated: December 19, 2012

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