

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

ANTHONY TYRONE GARRISON,	)	No. C 13-0742 JSW (PR)
Plaintiff,	)	<b>ORDER OF TRANSFER</b>
v.	)	
NAPA COUNTY DEPARTMENT OF	)	<b>(Docket No. 2)</b>
CORRECTIONS,	)	
Defendant.	)	

---

Plaintiff, an inmate in the custody of Napa County officials, has filed this pro se civil rights complaint under 42 U.S.C. § 1983 complaining of actions taken by such officials while in their custody.

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).

1 Napa County, where the defendants and events giving rise to the complaint are  
2 located, lies within the venue of the United States District Court for the Eastern District  
3 of California. Accordingly, IT IS ORDERED in the interest of justice, and pursuant to  
4 28 U.S.C. § 1406(a), that this action be TRANSFERRED to the United States District  
5 Court for the Eastern District of California. Ruling on Plaintiff's pending motion to  
6 proceed in forma pauperis (dkt. 2) is deferred to the Eastern District.

7 The Clerk of the Court shall transfer this matter forthwith and terminate docket  
8 number 2 from this Court's docket.

9 IT IS SO ORDERED.

10 DATED: March 1, 2013

11   
12 \_\_\_\_\_  
13 JEFFREY S. WHITE  
14 United States District Judge  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5 ANTHONY TYRONE GARRISON,  
6 Plaintiff,

Case Number: CV13-00742 JSW

7 **CERTIFICATE OF SERVICE**

8 v.

9 NAPA COUNTY DEPARTMENT OF  
CORRECTIONS et al,


10 Defendant.  
11 \_\_\_\_\_/

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

13 That on March 1, 2013, 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  
said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
15 receptacle located in the Clerk's office.

16  
17 Anthony T. Garrison  
18 #201203778  
1125 Third Street  
19 Napa, CA 94559

20 Dated: March 1, 2013

  
21 Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk  
22  
23  
24  
25  
26  
27  
28