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

United States District Court
Northern District of California

STEVEN HERNANDEZ,
Plaintiff.

v.

DEUEL VOCATIONAL INSTITUTION
MEDICAL PERSONNEL, et al.,

Defendants.

Case No.: C 13-3915 JSC (PR)
ORDER OF TRANSFER

(Dkt. No. 7)

Plaintiff, a California prisoner at the Deuel Vocational Institute (“D.V.I.”), filed this civil rights action pursuant to 42 U.S.C. § 1983 in which he complains about the conditions of his confinement. ¹

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

¹ Plaintiff has consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Dkt. No. 8.)

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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).

Plaintiff’s allegations arise out of events occurring at D.V.I., and the responsible officials are located there. D.V.I. is located in Tracy, California, which lies within the venue of the United States District Court for the Eastern District of California.

Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this case is TRANSFERRED to the United States District Court for the Eastern District of California. In light of this transfer, ruling on Plaintiff’s application to proceed in forma pauperis and motion for appointment of counsel are deferred to the Eastern District.

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

IT IS SO ORDERED.

Dated: October 1, 2013



JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE