

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

United States District Court
Northern District of California

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

HERMAN TIEMENS, JR.,

Plaintiff,

v.

BRIAN DUFFY, et al.,

Defendant.

Case No.: C 14-2093 JSC (PR)

ORDER OF TRANSFER

(Dkt. No. 2)

Plaintiff, a California prisoner proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983.¹ Plaintiff complains that his finances are being mismanaged by the accounting office at the California Medical Facility (C.M.F.). He sues the Governor of California, the Secretary of the California Department of Corrections and Rehabilitation, the Warden of C.M.F., and the C.M.F. account office.

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

¹ Plaintiff has consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Dkt. No. 4.)

1 occurred, or a substantial part of property that is the subject of the action is situated, or (3) a
2 judicial district in which any defendant may be found, if there is no district in which the action
3 may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue,
4 the district court has the discretion either to dismiss the case or transfer it to the proper federal
5 court “in the interest of justice.” 28 U.S.C. § 1406(a).

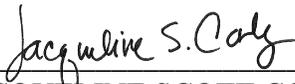
6 Plaintiff’s allegations arise out of events occurring at C.M.F., and the defendants are
7 located at C.M.F. and in Sacramento. C.M.F. is in Solano County. Both Solano and
8 Sacramento Counties lie within the venue of the United States District Court for the Eastern
9 District of California. *See* 28 U.S.C. § 84.

10 Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this case is
11 TRANSFERRED to the United States District Court for the Eastern District of California.

12 The Clerk of the Court shall transfer this matter forthwith. In light of this transfer, the
13 Court defers to the Eastern District for ruling on the application to proceed in forma pauperis.
14 The Clerk shall terminate docket number 2 from this Court's docket.

15 **IT IS SO ORDERED.**

16
17 Dated: June 16, 2014

18 
19 _____
20 JACQUELINE SCOTT CORLEY
21 UNITED STATES MAGISTRATE JUDGE
22
23
24
25
26
27
28