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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIASCOTT LARSON,
Plaintiff,
v.
JAMES MCDONALD, et al.,
Defendants.Case No. [16-cv-00871-EMC](#)**ORDER OF TRANSFER**

Plaintiff, an inmate at the Avenal State Prison filed this *pro se* civil rights action, alleging that he received inadequate medical care while housed at LaPalma Correctional Center in Eloy, Arizona, and now at Avenal State Prison. He alleges that he was denied hernia surgery at the Arizona prison because the California Department of Corrections and Rehabilitation (CDCR) refused to authorize the surgery, and alleges that he continues to be denied hernia surgery at Avenal State Prison. He seeks damages and injunctive relief in the form of an order for him to receive hernia surgery. The defendants are the Director of the CDCR and the warden of the Arizona prison. Avenal State Prison is located in Kings County, within the venue of the Eastern District of California, and the Secretary of the CDCR apparently resides in the Eastern District of California. The LaPalma Correctional Center is located within the venue of the District of Arizona, and the warden of that prison apparently resides in the District of Arizona. No defendant is alleged to reside in, and none of the events or omissions giving rise to the complaint occurred in, the Northern District of California. Venue therefore would be proper in the Eastern District of California or the District of Arizona – because one defendant apparently resides in, and some events or omissions giving rise to the complaint, occurred in each of those districts – and not in the Northern District of California. See 28 U.S.C. § 1391(b). As for whether the case should proceed

1 in the Eastern District of California or the District of Arizona, the former is the better choice. The
2 Eastern District of California appears to be the preferable venue due to the allegations that the
3 ultimate decisionmaker on the surgery was in the CDCR (the headquarters for which is located in
4 the Eastern District of California), and the request for an injunction for surgery from the prisoner
5 who is now housed in the Eastern District of California. Accordingly, in the interest of justice and
6 pursuant to 28 U.S.C. § 1406(a), this action is **TRANSFERRED** to the United States District
7 Court for the Eastern District of California. The Clerk shall transfer this matter forthwith.

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IT IS SO ORDERED.

Dated: May 31, 2016



EDWARD M. CHEN
United States District Judge