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

ANDRE JUSTE,

No. C 16-7399 WHA (PR)

Plaintiff,

ORDER OF DISMISSAL

vs.

FEDERAL BUREAU OF
INVESTIGATION MARTINSBURG
RESIDENT AGENCY; FEDERAL
BUREAU OF INVESTIGATION
PITTSBURGH BRANCH; JAMES
COMEY; LORETTA E. LYNCH;
ASHTON CARTER; JAMES
COLLINS; BARACK OBAMA;
AGENT MARTINEZ,

Defendants.

Plaintiff is a federal prisoner in the Buffalo Federal Detention Facility. He filed this civil action against the former President of the United States, current and former federal law enforcement officials, and two offices of the Federal Bureau of Investigation. He alleges that they violated his civil rights while pursuing and prosecuting criminal charges against him in West Virginia and Washington, D.C..

Venue generally is proper in a judicial district in which: (1) any defendant resides, if all defendants are residents of the state in which the district is located; (2) 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) any defendant is subject to the court's personal jurisdiction, if there is no district in which the action may otherwise be brought. 28 U.S.C. §


1 1391(b). This district is the wrong venue because no defendant resides or is located in this
2 district or this state, none of the events or omissions giving rise to the claim or any property that
3 is the subject of this action is situated in this district, and this action may be brought in one of
4 the districts where the alleged violation of his civil rights took place.

5 Where, as here, a case is filed in the wrong venue, the district court has the discretion
6 either to dismiss the case or transfer it to the proper federal court "in the interest of justice." *See*
7 28 U.S.C. § 1406(a). As the allegations in the complaint are not comprehensible and do not
8 appear to form the basis of cognizable civil rights claims against the federal government or its
9 officials, in the interests of justice, the case is **DISMISSED** without prejudice to refile in a
10 federal judicial district with venue of the claims under Section 1391.

11 The clerk shall enter judgment and close the file.

12 **IT IS SO ORDERED.**

13 Dated: May 4, 2017.

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16 WILLIAM ALSUP
17 UNITED STATES DISTRICT JUDGE
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