

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDRE JUSTE,
Plaintiff,
v.
U.S. CUSTOMS BORDER PATROL, et al.,
Defendants.

Case No. [17-cv-00469-SI](#)

ORDER OF DISMISSAL

Re: Dkt. Nos. 1, 3

Plaintiff, a detainee at the Buffalo Federal Detention Facility in Batavia, New York, filed this civil action asserting claims based on events and omissions apparently occurring in New York. The listed defendants are located in New York. None of the events or omissions giving rise to the complaint occurred in the Northern District of California, and no defendant is alleged to reside in the Northern District of California.

A civil action may be brought in “(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial 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) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.” 28 U.S.C. § 1391(a). When an action is filed in the wrong venue, the district court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a).

The Northern District of California is not the proper venue for this action. *See* 28 U.S.C. § 1391(a). Transfer of this action is not in the interest of justice; plaintiff has filed over seventy

1 cases in the last four years in numerous federal districts, and is aware of the venue requirements.
2 *See, e.g.*, Docket No. 3 in *Juste v. McDonald Restaurant Corp.*, D.D.C. Case No. 15-cv-0054-
3 GMG-RWT (transfer order); Docket No. 13 in *Juste v. Lynch*, W.D.N.Y. Case No. 16-433-LJV-
4 JJM (Juste's motion for transfer of venue).

5 For the foregoing reasons, and pursuant to 28 U.S.C. § 1406(a), this action is DISMISSED
6 because it was filed in the wrong judicial district. The dismissal is without prejudice to plaintiff
7 filing an action asserting his claims in the proper venue.

8 Plaintiff's *in forma pauperis* application is GRANTED. (Docket No. 3.)

9 The clerk shall close the file.

10 **IT IS SO ORDERED.**

11 Dated: April 4, 2017



SUSAN ILLSTON
United States District Judge