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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

MATTHEW JESSE MUNOZ,
Plaintiff,
v.
R N HOGGARD, et al.,
Defendants.

Case No. [17-cv-01028-LB](#)

ORDER OF TRANSFER

Re: ECF No. 10

Matthew Jesse Munoz, an inmate currently housed at the California State Prison - Solano in Vacaville, California, filed this *pro se* prisoner's civil rights action. In his complaint, Mr. Munoz alleged that he had been transferred to a prison at which he contracted Valley Fever. The court dismissed the complaint with leave to amend because the only named defendant had Eleventh Amendment immunity, and the complaint did not allege facts suggesting that anyone acted with the mental state necessary for an Eighth Amendment claim. (ECF No. 8.) Mr. Munoz then filed a second amended complaint. (ECF No. 10.) The second amended complaint named four individuals as the defendants, alleged that three of them worked at Pleasant Valley State Prison and provided inadequate medical care there, and contained no allegations against the fourth defendant.

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The events and omissions giving rise to the second amended complaint occurred at Pleasant Valley State Prison, which is located in Fresno County, within the venue of the Eastern District of California. The defendants work and apparently reside in Fresno County, within the venue of the Eastern District of California. No defendant is alleged to reside in, and none of the events or omissions giving rise to the complaint are alleged to have occurred in, the Northern District of California. Venue is proper in the Eastern District, and not in the Northern District. *See* 28 U.S.C. § 1391(b). Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the United States District Court for the Eastern District of California. The clerk shall transfer this matter. All pending motions will be decided in the Eastern District of California.

IT IS SO ORDERED.

Dated: July 10, 2017



LAUREL BEELER
United States Magistrate Judge