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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 MELVIN DUKES,

11 Plaintiff,

No. CIV S-09-2209 KJM P

12 vs.

13 J. SELBIL, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant
17 to 42 U.S.C. § 1983.

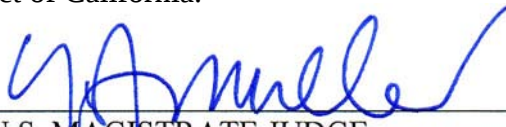
18 The federal venue statute requires that a civil action, other than one based on
19 diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if
20 all defendants reside in the same State, (2) a judicial district in which a substantial part of the
21 events or omissions giving rise to the claim occurred, or a substantial part of property that is the
22 subject of the action is situated, or (3) a judicial district in which any defendant may be found, if
23 there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

24 In this case, the defendants are located in, and the claim arose in Monterey
25 County, which is in the Northern District of California. Therefore, plaintiff’s claim should have
26 been filed in the United States District Court for the Northern District of California. In the

1 interest of justice, a federal court may transfer a complaint filed in the wrong district to the
2 correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir.
3 1974).

4 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the
5 United States District Court for the Northern District of California.

6 DATED: August 25, 2009.

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8 _____
9 U.S. MAGISTRATE JUDGE

9 /mp
10 duke2209.21a