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

JERRY F. STANLEY,

Plaintiff,

No. CIV S-09-2546 DAD P

vs.

WARDEN WONG, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has not paid the required filing fee or filed an application requesting leave to proceed in forma pauperis.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same State, (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) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

In this case, none of the named defendants reside in this district. Plaintiff’s claim arose in Marin County, which is in the Northern District of California. Therefore, plaintiff’s

1 complaint should have been filed in the United States District Court for the Northern District of
2 California. In the interest of justice, a federal court may transfer a complaint filed in the wrong
3 district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932
4 (D.C. Cir. 1974).

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

7 DATED: September 16, 2009.

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11 DALE A. DROZD
12 UNITED STATES MAGISTRATE JUDGE

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