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

MELVIN DUKES,

No. CIV S-09-2564-CMK-P

Plaintiff,

vs.

ORDER

E. JONES, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983.

For cases such as this, which are based on federal question jurisdiction, the federal venue statute requires that the action 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). Here, the claim(s) arose in Monterey County, which is within the boundaries of the United States District Court for the Northern District of California. Therefore, the court

1 finds that this action most appropriately proceeds in that district. In the interest of justice, the
2 court will transfer this case. See 28 U.S.C. § 1406(a).

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

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7 DATED: October 15, 2009

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9 **CRAIG M. KELLISON**
10 UNITED STATES MAGISTRATE JUDGE
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