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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION
5

6 DEMETRIO PANTOJA,

7 Plaintiff,

8 vs.

9 BAC HOME SERVICING, LP FKA
10 COUNTRY WIDE HOME LOANS
SERVICING LP, organized and existing
under the laws of New York,
11 RECONSTRUST COMPANY, N.A., is
organized and exists under the law of the State
12 of Texas,

13 Defendants.
14

Case No: C 11-2946 SBA

ORDER TO SHOW CAUSE

15 Plaintiff filed the instant pro se action in this Court on June 15, 2011, seeking to
16 challenge the anticipated foreclosure of his home located at 1857 Letterkenny Drive,
17 Lincoln, California. Compl. ¶ 24. As Defendants, Plaintiff has named BAC Home Loans
18 Servicing LP and Recontrust Company, N.A. Plaintiff alleges that the Court has
19 jurisdiction based on the diversity of the parties. *Id.* ¶ 1.

20 The federal venue statute provides:

21 A civil action wherein jurisdiction is founded only on diversity
22 of citizenship may, except as otherwise provided by law, be
brought only in (1) a judicial district where any defendant
23 resides, if all defendants reside in the same State, (2) a judicial
district in which a substantial part of the events or omissions
24 giving rise to the claim occurred, or a substantial part of
property that is the subject of the action is situated, or (3) a
25 judicial district in which any defendant is subject to personal
jurisdiction at the time the action is commenced, if there is no
26 district in which the action may otherwise be brought.

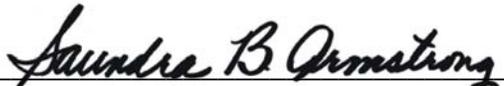
27 28 U.S.C. § 1391(a). Here, Plaintiff alleges that instant action arises from a dispute
28 concerning his property, which is located in Lincoln, California. Lincoln is located in

1 Placer County, which lies in the Eastern District of California. E.D. Civ. L.R. 120. In
2 addition, there appears to be no nexus between the parties and this District. As such, it
3 appears that venue is proper in the Eastern District of California, not the Northern District
4 of California. Accordingly,

5 IT IS HEREBY ORDERED THAT the parties shall show cause why the instant
6 action should not be transferred to the Eastern District of California, pursuant to 28 U.S.C.
7 § 1404(a) or § 1406(a). The parties shall submit a written response to this Order, not to
8 exceed five pages, by no later than December 21, 2011. If no response to this Order is
9 received by the deadline, the Court will presume that venue is improper and/or
10 inconvenient in this District, and that the parties have no objection to the transfer of venue
11 to the Eastern District of California. The hearing on Defendants' pending motions
12 scheduled for December 13, 2011 is VACATED pending further order of the Court.

13 IT IS SO ORDERED.

14 Dated: December 7, 2011


SAUNDRA BROWN ARMSTRONG
United States District Judge

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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 PANTOJA et al,

5 Plaintiff,

6 v.

7 BAC HOME SERVICING, LP et al,

8 Defendant.

9 Case Number: CV11-02946 SBA

10 **CERTIFICATE OF SERVICE**

11
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on December 8, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
17 located in the Clerk's office.

18 Demetrio P. Pantoja
19 1857 Letterkenny Drive
20 Lincoln, CA 95648

21 Dated: December 8, 2011

Richard W. Wieking, Clerk

22 By: LISA R CLARK, Deputy Clerk
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