

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHAMONT L. SAPP,
Plaintiff,
v.
T-MOBILE USA, INC.,
Defendant.

Case No. 17-cv-01220-HSG (PR)

ORDER OF TRANSFER

Plaintiff, a prisoner incarcerated at the State Correctional Institution–Camp Hill in Pennsylvania, has filed a *pro se* action for breach of contract against T-Mobile USA, Inc. A complaint must demonstrate that the district court has either federal question or diversity jurisdiction. The diversity jurisdiction statute confers jurisdiction in cases where the parties are citizens of different states and where the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332.

Plaintiff asserts that this court has jurisdiction on the basis of diversity because he is a resident of Pennsylvania, and T-Mobile is in California. However, T-Mobile USA, Inc. is a Delaware corporation with its principal place of business in Bellevue, Washington. None of the events or omissions giving rise to the complaint occurred in California. Venue therefore would be proper in the Western District of Washington, and not in this one. *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 Western District of Washington. In


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view of the transfer, the Court will not rule upon plaintiff's pending motion to proceed in forma pauperis (Docket No. 8).

The Clerk shall transfer this matter.

IT IS SO ORDERED.

Dated: 4/3/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge