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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA

7
8 MICHAEL L. DAVIS,
9 Plaintiff,

10 v.

11 USP VICTORVILLE UNIT OFFICERS,
12 et al.,
13 Defendants.

Case No. [21-cv-05654-DMR](#) (PR)

ORDER OF TRANSFER

14 Plaintiff, a federal inmate currently incarcerated at the United States Penitentiary, Atwater,
15 brings this *pro se* action under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971),
16 complaining of deprivations of his civil rights.¹ Dkt. 1. He has also filed a completed *in forma*
17 *pauperis* application. Dkt. 2.

18 On July 23, 2021, the Clerk of the Court informed Plaintiff that this action has been
19 assigned to the undersigned Magistrate Judge. Dkt. 3. Plaintiff has since consented to magistrate
20 judge jurisdiction in this action. Dkt. 4.

21 Plaintiff's claims seem to stem from incidents that occurred in December 2019 while he
22 was incarcerated at the United States Penitentiary, Victorville ("USP Victorville"), which is in San
23 Bernardino County. Thus, the acts complained of occurred in San Bernardino County, which lies
24 within the venue of the Eastern Division of the Central District of California, and it appears that
25 Defendants reside in that district. Venue, therefore, properly lies in that district and not in this
26 one. *See* 28 U.S.C. § 1391(b).

27 Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is

28 ¹ Plaintiff actually filed a form entitled "Complaint Under the Civil Rights Act, 42 U.S.C. § 1983," but because he is a federal prisoner, the court construes this action as being brought under *Bivens*. *See* Dkt. 1.

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TRANSFERRED to the Eastern Division of the United States District Court for the Central District of California.² The Clerk shall transfer the case forthwith.

All pending motions are TERMINATED on this court's docket as no longer pending in this district.

IT IS SO ORDERED.

Dated: September 9, 2021



DONNA M. RYU
United States Magistrate Judge

United States District Court
Northern District of California

² Venue transfer is a non-dispositive matter and, thus, it falls within the scope of the jurisdiction of the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A).