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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL L. OVERTON,
Plaintiff,
v.
WARDEN CMC EAST, et al.,
Defendants.

Case No. [24-cv-00632-JSW](#)

**ORDER OF PARTIAL DISMISSAL
AND OF TRANSFER**

Plaintiff, a California prisoner proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983. Plaintiff is located at the California Health Care Facility in Stockton, California. He complains about events that allegedly took place at the California Men’s Colony (“CMC”), where the named individual Defendants are located.¹

When, as here, jurisdiction is not founded on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the 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). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. § 1406(a).

¹ Plaintiff includes several individual defendants identified only by their title, e.g. “Bank of the West C.E.O.” but does not allege actions or omissions by them. The only Defendant who appears to be located within this district is the San Francisco Regional Director of the Social Security Administration. Plaintiff claims he never received a social security check. These allegations are unrelated to the remainder of Plaintiff’s claims and are therefore DISMISSED without prejudice to bringing them in a separate action.

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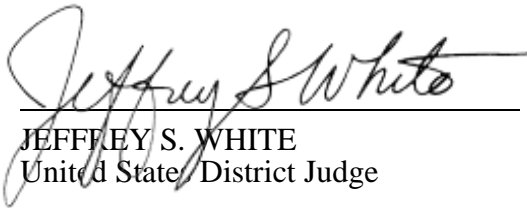
Plaintiff's allegations arise out of events occurring at CMC, and the allegedly responsible officials are located there. CMC is in San Luis Obispo County, which lies within the venue of the United States District Court for the Central District of California. *See* 28 U.S.C. § 84.

Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this case is TRANSFERRED to the United States District Court for the Central District of California.

The Clerk of the Court shall transfer this matter forthwith.

IT IS SO ORDERED.

Dated: February 7, 2024


JEFFREY S. WHITE
United States District Judge