

1 District Court for the Eastern District of California. Pursuant to 28 U.S.C. section 1391, a case in
2 which jurisdiction is not based solely on diversity of citizenship¹ may be filed only in:

3 “(1) a judicial district where any defendant resides, if all defendants reside in the same
4 State; (2) a judicial district in which a substantial part of the events or omissions
5 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.”

6 Based on the allegations in the complaint, it appears that the only proper venue for this case is the
7 Eastern District of California because that is where “a substantial part of the events or omissions
8 giving rise to the claim occurred, or a substantial part of property that is the subject of the action is
9 situated.” When a plaintiff files his case in the wrong district, the court must either dismiss the case
10 or else transfer it to the District Court in the correct district. *See* 28 U.S.C. § 1406(a). Thus, unless
11 Plaintiff can show legal authority for venue in this district, the court will transfer the case to the
12 Eastern District of California.

13 IT IS FURTHER ORDERED that the hearing on the motion to dismiss and the request for
14 judicial notice filed by Defendant Regional Trustee Services Corporation are CONTINUED to 10:00
15 a.m. on November 16, 2010.

16 IT IS FURTHER ORDERED that the Case Management Conference in this case is
17 CONTINUED to 10:00 a.m. on November 16, 2010. Case Management Conference Statements
18 shall be filed no later than November 9, 2010.

19 Dated: 8/26/10

20 
21 PATRICIA V. TRUMBULL
United States Magistrate Judge

22
23
24
25
26
27
28 _____
¹ In his Complaint, Plaintiff states that he is filing under 15 U.S.C. 1601, et seq. Thus,
jurisdiction is based on federal question.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Counsel automatically notified of this filing via the court's Electronic Case Filing system.

copies mailed on 9/2/10 to:

Lamont Johnson
7937 Diamond Rock Drive
Antelope, CA 95843

/s/ Donna Kirchner
DONNA KIRCHNER
Judicial Law Clerk