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8	UNITED STATES DISTRICT COURT
9	NORTHERN DISTRICT OF CALIFORNIA
10	SAN JOSE DIVISION
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12	LAMONT JOHNSON,) Case No.: C 10-2028 PVT
13	Plaintiff,)) ORDER TRANSFERRING CASE TO THE UNITED STATES DISTRICT COURT FOR THE
14	v.) EASTERN DISTRICT OF CALIFORNIA
15	WACHOVIA BANK FSB, et al.,
16	Defendants.
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18	According to the complaint (and also the amended complaint Plaintiff filed), the parcels of
19 20	real property at issue in this lawsuit are located in Antelope, California and Sacramento, California.
20 21	The complaint and amended complaint also indicate that Plaintiff lives in the Eastern District of
21	California (either Antelope or Sacramento). ¹ On September 2, 2010, this court entered an order to Plaintiff to show cause why this case should not be transferred to the United States District Court for
22	the Eastern District of California. Plaintiff failed to file any response to the order to show cause by
23 24	the September 21, 2010 deadline. Therefore, based on the complaint, the amended complaint and
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26	¹ Plaintiff originally alleged that he is "a similarly situated vistim of the Class estimation wit
27	¹ Plaintiff originally alleged that he is "a similarly situated victim, of the Class action suit filed in San Jose, California UNITED STATES DISTRICT COURT, and NORTHERN DISTRICT OF CALIFORNIA -SAN JOSE DEVISION. Case # C07 -04497, Delores Mandrigues - Vs - World Savings,
28	Inc, World Savings Bank, FSB, Wachovia Mortgage Corp and Does 1 through 10." On the Civil Cover Sheet, Plaintiff indicated that the case is related to Case No. C07-04497. However, on August 18, 2010, the court found that this case is not related to Case No. C07-04497. (<i>See</i> Docket No. 6, herein.)
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	Dockete Justia er

1 the file herein,

2	IT IS HEREBY ORDERED that this case be transferred to the United States District Court
3	for the Eastern District of California. Pursuant to 28 U.S.C. section 1391, a case in which
4	jurisdiction is not based solely on diversity of citizenship ² may be filed only in:
5	"(1) a judicial district where any defendant resides, if all defendants reside in the same State; (2) a judicial district in which a substantial part of the events or omissions
6	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
7	there is no district in which the action may otherwise be brought."
8	Based on the allegations in the complaint, it appears that the only proper venue for this case is the
9	Eastern District of California because that is where "a substantial part of the events or omissions
10	giving rise to the claim occurred, or a substantial part of property that is the subject of the action is
11	situated." Plaintiff has not alleged, much less shown, that all Defendants reside in this judicial
12	district. When a plaintiff files his case in the wrong district, the court must either dismiss the case or
13	else transfer it to the District Court in the correct district. See 28 U.S.C. § 1406(a). Thus, transfer to
14	the Eastern District of California is warranted.
15	Dated: 10/19/10
16	Patricia V. Trumbull
17	United States Magistrate Judge
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28	² Neither the complete the superded complete these dimensionistic invisition
	Neither the complaint nor the amended complaint alleges diversity jurisdiction.
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