

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 citizenship² may be filed only in:

5 “(1) a judicial district where any defendant resides, if all defendants reside in the same
6 State; (2) a judicial district in which a substantial part of the events or omissions
7 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.”

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

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17 PATRICIA V. TRUMBULL
United States Magistrate Judge

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² Neither the complaint nor the amended complaint alleges diversity jurisdiction.