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E-Filed 7/16/10

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

JENNIFER M. PROVENCHER and CY C.
PROVENCHER, SR.,

Plaintiffs,

v.

STEVEN GIANDREA, et al.,

DEFENDANTS.

Case Number C 10-2951 JF (HRL)

**ORDER¹ TRANSFERRING
ACTION**

Plaintiffs, residents of Stockton, California, seek a writ of mandamus under 28 U.S.C. § 1651. It does not appear from the complaint that any of the defendants resides in the Northern District of California or that any part of the events giving rise to the claims occurred in this district; instead, all of the events are alleged to have occurred in the Eastern District of California. Accordingly, pursuant to 28 U.S.C. § 1391(b) and 28 U.S.C. § 1406(a), the Court on its own motion will transfer the action to that district. *See, e.g., Costlow v. Weeks*, 790F.2d 1486, 1488 (9th Cir. 1986) (“28 U.S.C. § 1406(a) states that ‘[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest

¹ This disposition is not designated for publication in the official reports.

1 of justice, transfer such case to any district or division in which it could have been brought.”)

2 The Court takes no position with respect to the viability of Plaintiffs’ claims.

3 **IT IS SO ORDERED**

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5 DATED: 7/16/10

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JEREMY FOGEL

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United States District Judge

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1 Copies of Order served on:
2 Jennifer M. Provencher
3 1176 Rosemarie Ln. Apt. 86
4 Stockton, CA 95207
5 Cy C. Provencher, Sr.
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