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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN MATTOX,)	No. C 12-5189 LHK (PR)
)	
Plaintiff,)	ORDER OF TRANSFER
)	
v.)	
)	
UNIDENTIFIED,)	
)	
Defendant.)	
_____)	

On October 5, 2012, Plaintiff, a California state prisoner, filed a letter with the Court, which initiated these proceedings. (Docket No. 1.) On November 1, 2012, Plaintiff filed another letter indicating that the original letter sent to the Court was not meant to be filed as a new complaint. (Docket No. 4.) In his letter, Plaintiff indicates that he has a current federal civil rights case, *Mattox v. Castrol, et al.*, No. 10-1641 LJO GSA, pending in the Eastern District of California.

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.” *See* 28 U.S.C. § 1406(a). It is unclear whether Plaintiff intended to also file his October 5, 2012 letter in his case in the Eastern District. Accordingly, in the interest of justice, rather than dismiss this case without prejudice, this case is TRANSFERRED to the United States District Court for the Eastern District of California. *See* 28 U.S.C. § 1406(a).

1 The Clerk shall terminate all pending motions and transfer the entire file to the Eastern
2 District of California. The Clerk is also directed to send an electronic copy of Plaintiff's original
3 letter (Docket No. 1), and a copy of this order to the courtroom deputy of Judge Thelton
4 Henderson.

5 IT IS SO ORDERED.

6 DATED: 11/29/12


LUCY H. KOH
United States District Judge

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