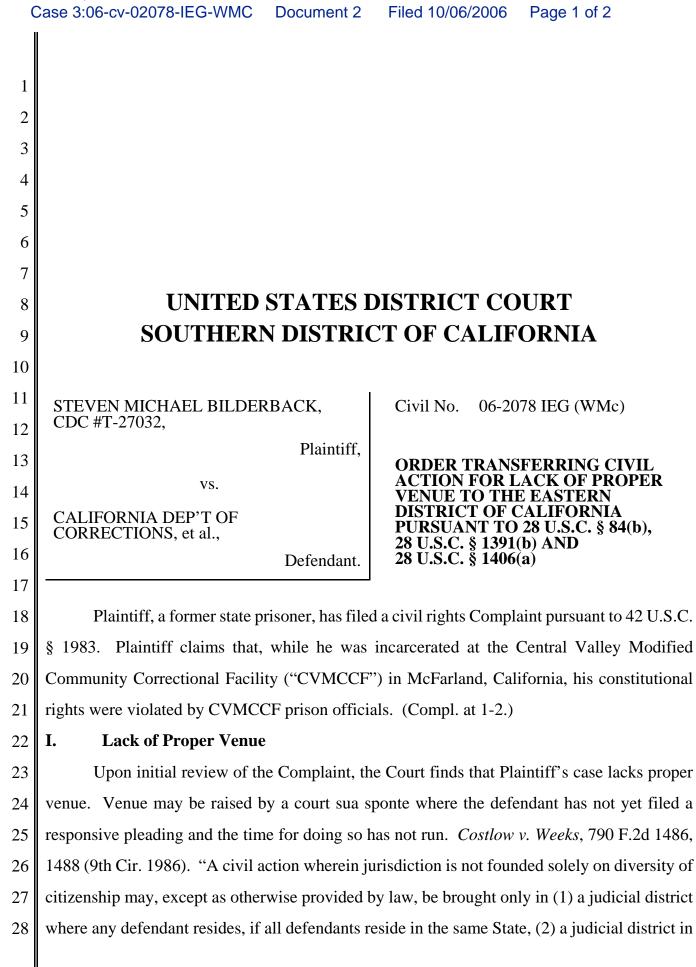
Bilderback v. California Department of Corrections et al



06cv2078

1 which a substantial part of the events or omissions giving rise to the claim occurred, or a 2 substantial part of property that is the subject of the action is situated, or (3) a judicial district 3 in which any defendant may be found, if there is no district in which the action may otherwise 4 be brought." 28 U.S.C. § 1391(b); Costlow, 790 F.2d at 1488; Decker Coal Co. v. 5 Commonwealth Edison Co., 805 F.2d 834, 842 (9th Cir. 1986). "The district court of a district 6 in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in 7 the interests of justice, transfer such case to any district in or division in which it could have 8 been brought." 28 U.S.C. § 1406(a).

9 Here, Plaintiff claims constitutional violations originally arising out of events which
10 occurred in Kern County, California. Moreover, none of the named Defendants are alleged to
11 reside in either San Diego or Imperial County. *See* Compl. at 2. Therefore, venue more
12 properly lies in the Eastern District of California pursuant to 28 U.S.C. § 84(b), rather than in
13 the Southern District of California. *See* 28 U.S.C. § 1391(b); *Costlow*, 790 F.2d at 1488.

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II. Conclusion and Order

DATED: October 6, 2006

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall transfer this
case for lack of proper venue, in the interests of justice and for the convenience of all parties,
to the docket of the United States District Court for the Eastern District of California pursuant
to 28 U.S.C. § 84(b), 28 U.S.C. § 1391(b) and 28 U.S.C. § 1406(a).

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IKIVIA E. GUNZALEZ, Chief/Judge United States District Court