



1 venue.<sup>1</sup> (Doc. No. 53.) On February 18, 2010, the Court requested briefing from Defendants  
2 in response to Plaintiff's motion for change of venue. (Doc. No. 54.) On March 4, 2010,  
3 Defendants filed their response in opposition to Plaintiff's motion. (Doc. No. 57.) For the  
4 following reasons, the Court GRANTS Plaintiff's motion to continue and DENIES Plaintiff's  
5 motion for change of venue.

### 6 Discussion

7 Plaintiff's motion requests a change of venue from the United States District Court for  
8 the Southern District of California to the United States District Court for the Eastern District  
9 of California. (Doc. No. 53-1 at 1.) Plaintiff also seeks a continuance "pending the request  
10 for change of venue." (Id. at 2.) Plaintiff alleges that the convenience of parties and witnesses  
11 and the interest of justice warrant the transfer. (Id.) Plaintiff alleges that the current venue is  
12 a six-hour drive from his home, while the United States District Court for the Eastern District  
13 of California is only a 45-minute drive. (Id. at 1.) Under the applicable venue provisions,  
14 however, the defendant's residence may be relevant, but the plaintiff's residence is irrelevant.

15 A district court may transfer any civil action "[f]or the convenience of parties and  
16 witnesses, in the interest of justice" to any other district or division where it might have been  
17 brought. 28 U.S.C. § 1404(a). A civil action where the jurisdiction is not founded on diversity  
18 of citizenship may be brought only in

- 19 (1) a judicial district where any defendant resides, if all defendants reside in the  
20 same State, (2) a judicial district in which a substantial part of the events or  
21 omissions giving rise to the claim occurred, or a substantial part of property that  
22 is the subject of the action is situated, or (3) a judicial district in which any  
23 defendant may be found, if there is no district in which the action may otherwise  
24 be brought.

25 28 U.S.C. § 1391(b).

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27 <sup>1</sup> Plaintiff filed similar motions in his other two cases pending before this Court:  
28 Contreras v. Liberty Maritime Corporation et al., 09-CV-231-H (AJB); and Contreras v.  
Mahan et al., 09-CV-19-H (WMC).

1 On January 14, 2009, Plaintiff brought this action in the United States District Court for  
2 the Southern District of California.<sup>2</sup> (Doc. No. 1.) Plaintiff's First Amended Complaint  
3 alleges:

4 Assignment to the U.S. District Court/Southern District of California is  
5 proper even though the original violations occurred at sea aboard the U.S.  
6 Flagship Liberty Eagle, the violations were numerous repeated after returning  
7 to U.S. soil, most substantially in California. The most recent of these violations  
8 occurred again on August 19, 2008 in San Diego county . . . .

9 (Doc. No. 11, FAC at 1.) In their opposition to Plaintiff's motion for change of venue,  
10 Defendants argue that the Eastern District is not the forum where this action might have been  
11 brought, because it lacks any significant contact with the activities alleged in the complaint.  
12 (Doc. No. 57 at 8.) The Court agrees. Neither Plaintiff's motion, nor his complaint,  
13 demonstrate any connection this action may have with the Eastern District of California. See  
14 28 U.S.C. § 1404(a). None of the Defendants reside in the Eastern District.<sup>3</sup> Defendant  
15 Liberty Maritime Corporation does not have offices or employees in the Eastern District of  
16 California. (Doc. No. 57-1, Campbell Decl. ¶ 2.) None of the events giving rise to the  
17 complaint occurred in the Eastern District. (See FAC.) Because this action could not have  
18 been brought in the Eastern District, transfer to that district is not proper. See 28 U.S.C. §§  
19 1391(b), 1404(a). Accordingly, the Court DENIES Plaintiff's motion for change of venue.

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23 <sup>2</sup> The Court notes that Plaintiff filed multiple cases in the Southern District: Contreras  
24 v. McKenna et al., 08-CV-44-BEN (WMC); Contreras v. Brudzinski, 08-CV-1154-JLS (POR);  
25 Contreras v. Vazquez, 08-CV-1362-BEN (WMC); Contreras v. Mahan et al., 09-CV-19-H  
26 (WMC); Contreras v. Lulley et al., 09-CV-53-H (AJB); Contreras v. Liberty Maritime  
Corporation et al., 09-CV-231-H (AJB); Contreras v. Vazquez et al., 09-CV-1267-IEG (CAB);  
and Contreras v. Vasquez et al., 09-CV-2359-IEG (CAB).

27 <sup>3</sup> Defendant Liberty's address is 1979 Marcus 14 Avenue, Suite 200, Lake Success,  
28 New York 11042. (See Doc. No. 11, FAC; Doc. No. 15, Liberty's Answer, ¶ 6.) Defendant  
Lulley resides in San Diego. (FAC.)

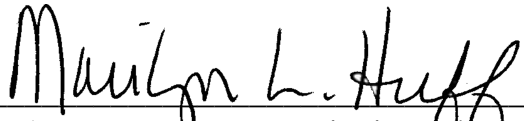
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**Conclusion**

For the reasons above, the Court GRANTS Plaintiff's motion for temporary continuance pending the Court's ruling on the motion for change of venue, and DENIES Plaintiff's motion for change of venue.

**IT IS SO ORDERED.**

DATED: March 12, 2010

  
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MARILYN L. HUFF, District Judge  
UNITED STATES DISTRICT COURT