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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AMANDO VILLARREAL HEREDIA,

Plaintiff,

v.

WARDEN LAWRENCE, et al,

Defendants.

1:17-cv-00717-MJS (PC)

**ORDER TRANSFERRING CASE TO THE
SOUTHERN DISTRICT OF CALIFORNIA**

Plaintiff is a federal prisoner proceeding pro se in a civil rights action pursuant to Bivens vs. Six Unknown Agents, 403 U.S. 388 (1971).

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the 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.” 28 U.S.C. § 1391(b).

In this case, none of the defendants reside in this district. The claim arose in San Diego County, which is in the Southern District of California. Therefore, plaintiff’s claim

1 should have been filed in the United States District Court for the Southern District of
2 California. In the interest of justice, a federal court may transfer a complaint filed in the
3 wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512
4 F.2d 918, 932 (D.C. Cir. 1974).

5 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the
6 United States District Court for the Southern District of California.

7
8 IT IS SO ORDERED.

9 Dated: August 2, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE