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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LAURA LEAH JACKSON,

Plaintiff,

v.

FEDERAL WAY POLICE DEPT., et al,

Defendants.

Case No.: 24-CV-01616-CAB-VET

ORDER:

**(1) DISMISSING COMPLAINT
PURSUANT TO 28 U.S.C. § 1391(b),
and**

**(2) DENYING MOTION TO
PROCEED IN FORMA PAUPERIS
AS MOOT**

On September 10, 2024, Plaintiff Laura Leah Jackson filed a complaint against Defendants San Diego Police Department, Officers Butts and Smith of the Federal Way Police Department, and Sheriff Fry of the Seattle-Tacoma Sheriff’s Office.¹ Plaintiff did not prepay the civil filing fees required by 28 U.S.C. § 1914(a) at the time of filing; instead, she filed a motion to proceed *in forma pauperis* (“IFP”) pursuant to 28 U.S.C. § 1915(a). [ECF No. 2]. For the reasons outlined below, this case is **DISMISSED** for improper venue and the IFP motion is **DENIED** as moot.

¹ Plaintiff does not provide the first names of Officer Butts, Officer Smith, nor Sheriff Fry.

1 **I. Venue is Improper in the Southern District of California**

2 A complaint filed by any person seeking to proceed IFP pursuant to 28 U.S.C. §
3 1915(a) is subject to mandatory and sua sponte review and dismissal should the Court
4 determine, inter alia, it is frivolous, malicious, or fails to state a claim upon which relief
5 may be granted. 28 U.S.C. § 1915(e)(2)(B); *Calhoun v. Stahl*, 254 F.3d 845, 845 (9th Cir.
6 2001) (“[T]he provisions of 28 U.S.C. § 1915(e)(2)(B) are not limited to prisoners.”)

7 The Plaintiff’s case lacks proper venue. Venue (the judicial district where this
8 lawsuit can be decided) may be raised by a court sua sponte (on its own) when the
9 defendant has not yet filed a responsive pleading and the time for doing so has not run.
10 *Costlow v. Weeks*, 790 F.2d 1486, 1488 (9th Cir. 1986). Venue is proper in:

11 1) a judicial district where any defendant resides, if all defendants reside in
12 the same State, (2) a judicial district in which a substantial part of the events
13 or omissions giving rise to the claim occurred, or a substantial part of property
14 that is the subject of the action is situated, or (3) a judicial district in which
15 any defendant may be found, if there is no district in which the action may
16 otherwise be brought.

17 28 U.S.C. § 1391(b). When a case is filed in the wrong judicial district, the district court
18 “shall dismiss, or if it be in the interest of justice, transfer such case to any district or
19 division in which it could have been brought.” 28 U.S.C. § 1406(a).

20 Plaintiff has identified Defendants Officers Butts and Smith of the Federal Way
21 Police Department, and Sheriff Fry of the Seattle-Tacoma Sheriff’s Office, all three of
22 whom appear to be residents of Washington State. Given that Defendant San Diego Police
23 Department, which is in California, is not located in the same state as the other Defendants,
24 this lawsuit cannot be maintained in this District unless venue is improper elsewhere. *See*
25 28 U.S.C. § 1391(b)(1).

26 Venue is proper where a substantial part of the events or omissions giving rise to the
27 claim occurred. 28 U.S.C. § 1391(b)(2). Though much of the complaint is difficult to
28 understand, Plaintiff’s factual allegations appear to be related to events that occurred in
King County, Washington, which is in the Western District of Washington. *See Fed. R.*

1 Evid. 201. Indeed, Plaintiff's claims appear to be based on Officers Butts and Smith
2 allegedly (1) destroying Plaintiff's reputation with her boss and (2) unlawfully removing
3 Plaintiff from her own apartment in King County, Washington. [Compl. at 3.]
4 Additionally, Plaintiff alleges an assault in Seattle, Washington by an unnamed party.
5 [Compl. at 6.] As such, venue may be proper in the Western District of Washington, where
6 Plaintiff may choose to re-file.


7 **II. Motion to Proceed IFP**

8 Given that venue in the Southern District of California is improper for Plaintiff's
9 lawsuit, the Court declines to determine Plaintiff's request to proceed IFP at this time. As
10 such, Plaintiff's motion to proceed IFP [ECF No. 2] is **DENIED** as moot.

11 **III. Conclusion**

12 Plaintiff's complaint [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE** for
13 improper venue, and Plaintiff's application to proceed IFP [ECF No. 2] is **DENIED** as
14 moot. Plaintiff may amend her complaint by **October 17, 2024** and allege facts sufficient
15 to provide venue in the Southern District of California or file her complaint in the Western
16 District of Washington.

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19 Dated: September 26, 2024

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22 Hon. Cathy Ann Bencivengo
23 United States District Judge
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