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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ILDELFONSO BENITEZ,
Plaintiff,
v.
UNITED STATES OF AMERICA,
Defendant.

No. 2:13-cv-2428-EFB P

ORDER

Plaintiff is a federal prisoner proceeding without counsel in an action brought under 28 U.S.C. § 1346(b). He has filed an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. ECF No. 2.

Plaintiff claims that venue is proper in this district because it is where his “medical conditions originated.” ECF No. 1 at 2. Plaintiff is mistaken. Any civil action on a tort claim against the United States under 28 U.S.C. § 1346(b) may be prosecuted only in the judicial district where the plaintiff resides or where the act or omission complained of occurred. 28 U.S.C. § 1402(b). Here, plaintiff resides at the Oakdale Federal Detention Center, in Louisiana. The act or omissions complained of occurred in Honolulu, Hawaii. *See* ECF No. 1 at 3-5 (alleging that staff at the Honolulu Federal Detention Center caused plaintiff harm). Thus, venue appears to be proper in both Louisiana and Hawaii, but not in California.


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The court finds that the convenience of the parties and witnesses and the interests of justice would be better served by transferring this action to the United States District Court for the District of Hawaii, where the acts or omissions allegedly occurred and where the majority of the evidence and witnesses are most likely located.

Accordingly, IT IS HEREBY ORDERED that this case is transferred to the United States District Court for the District of Hawaii. *See* 28 U.S.C. §§ 91, 1404(a).

Dated: December 3, 2013.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE