

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Ernest Godfrey Logan, Jr. v. ACE Cash Express, et al.

Logan v. ACE Cash Express · No. 2:25-cv-02260-TLN-SCR · Decided August 15, 2025

SUMMARY

The United States District Court for the Eastern District of California transferred Plaintiff Ernest Godfrey Logan Jr.'s action against ACE Cash Express and other defendants to the Central District of California under 28 U.S.C. § 1406(a). The court concluded that venue was improper in the Eastern District because the defendants, plaintiff, and alleged events were associated with Los Angeles and the Central District, and it ordered the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 15, 2025
DOCKET	2:25-cv-02260-TLN-SCR
DISPOSITION	transferred
PROCEDURAL POSTURE	Pro se plaintiff filed a complaint and motion to proceed in forma pauperis. The court sua sponte determined that venue was improper in the Eastern District of California and transferred the action to the Central District of California.
STANDARD OF REVIEW	The court independently reviewed venue and determined whether transfer rather than dismissal was appropriate under 28 U.S.C. § 1406(a).
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown.
PARTIES	Ernest Godfrey Logan, Jr. v. ACE Cash Express, et al.

TOPICS

- venue
- civil procedure
- motions to dismiss

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether venue was proper in the Eastern District of California under 28 U.S.C. § 1391(b).
2. Whether the court should transfer or dismiss the action because it was filed in an improper venue.
3. Whether the court could raise improper venue sua sponte before defendants appeared or waived a venue objection.

HOLDINGS

1. Venue did not properly lie in the Eastern District of California because the complaint did not establish that a substantial part of the events or omissions giving rise to the claims occurred there.
2. A district court may raise improper venue sua sponte when defendants have not appeared and have not waived a venue challenge.
3. The action should be transferred rather than dismissed because it may have been filed in the wrong venue by mistake and the court could not conclude that the complaint could not potentially state a cognizable claim.

KEY QUOTATIONS

“Where an action is filed in the wrong venue, the district court “shall dismiss, or if it be in the interest of justice, transfer such case” to a district where it could have been brought.” (at 2)

““Normally transfer will be in the interest of justice because normally dismissal of an action that could be brought elsewhere is ‘time consuming and justice-defeating.’”” (at 2)

FACTUAL BACKGROUND

Plaintiff's complaint identified the Central District of California in its caption, listed plaintiff's address as Los Angeles, and named defendants based in Los Angeles. The allegations referred to events at a Los Angeles-area defendant location and at Morongo Casino, which is located in the Central District of California. The complaint did not establish that a substantial part of the events or omissions giving rise to the claims occurred in the Eastern District of California.

PROCEDURAL HISTORY

Plaintiff filed the action in the Eastern District of California on August 11, 2025. Before defendants appeared, the court reviewed venue sua sponte and concluded that the complaint's allegations pointed to Los Angeles and Morongo Casino in the Central District of California rather than the Eastern District. The court transferred the action, including the pending in forma pauperis motion, under 28 U.S.C. § 1406(a), and directed the clerk to close the case.

DISPOSITION

transferred

REMAND INSTRUCTIONS

The action, including the pending motion to proceed in forma pauperis, was transferred to the United States District Court for the Central District of California. Plaintiff was instructed to direct further filings or inquiries related to the case to that court; filings in the Eastern District of California related to the case would be disregarded.

CASES CITED

- Costlow v. Weeks, 790 F.2d 1486, 1488 (9th Cir. 1986)
- Gigena v. Rye, 2023 WL 7286665 (E.D. Cal. Nov. 1, 2023)
- Miller v. Hambrick, 905 F.2d 259, 262 (9th Cir. 1990)
- Wood v. Santa Barbara Chamber of Commerce, 705 F.2d 1515, 1523 (9th Cir. 1983)
- Lemon v. Kramer, 270 F. Supp. 3d 125, 140 (D.D.C. 2017)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 ERNEST GODFREY LOGAN, Jr., No. 2:25-cv-02260-TLN-SCR 12
Plaintiff, 13 v. ORDER 14 ACE Cash Express, et al., 15 Defendants. 16 17 Plaintiff, proceeding
pro se, filed a complaint and motion to proceed in forma pauperis. 18 ECF Nos. 1 & 2. This matter
is before the undersigned pursuant to Local Rule 302(c)(21) and 28 19 U.S.C. § 636(b)(1).

Venue does not lie in this District. For the following reasons, the Court will 20 transfer this action
to the United States District Court for the Central District of California. 21 Plaintiff filed his
complaint on August 11, 2025. ECF No. 1.

The caption of the 22 complaint states “Central District of California.” Id. at 1. Plaintiff lists his
address as Los 23 Angeles, California. Id. Plaintiff names defendants based in Los Angeles. Id. at
1-2. The 24 factual allegations are unclear, but the complaint mentions events at defendant’s Los
Angeles- 25 area location and at Morongo Casino, which is in the Central District of California.

Id. at 3-5. 26 The federal venue statute provides that a civil action “may be brought in (1) a
judicial 27 district in which any defendant resides, if all defendants are residents of the State in
which the 28 district is located; (2) a judicial district in which a substantial part of the events or
omissions 1 giving rise to the claim occurred, or a substantial part of property that is the subject of
the action 2 is situated; or (3) if there is no district in which an action may otherwise be brought as
provided in 3 this section, any judicial district in which any defendant is subject to the court’s
personal 4 jurisdiction with respect to such action.” 28 U.S.C. § 1391(b).

5 In this case, Defendants are all alleged to be in Los Angeles, and Plaintiff also has a Los Angeles address. Further, it appears that the events or omissions giving rise to the claim occurred 7 within the Central District of California.

The complaint's allegations do not establish that a 8 substantial part of the events or omissions giving rise to the claim occurred in this district. 28 U.S.C. § 1391(b)(2). Venue does not properly lie in this district. See 28 U.S.C. § 1391(b).

As the 10 Defendants have not appeared and have not waived a challenge to venue, the Court may raise the 11 issue sua sponte. *Costlow v. Weeks*, 790 F.2d 1486, 1488 (9th Cir. 1986). Where an action is 12 filed in the wrong venue, the district court "shall dismiss, or if it be in the interest of justice, 13 transfer such case" to a district where it could have been brought.

Id., citing 28 U.S.C. § 1406(a). 14 Transfer is generally preferred over dismissal where the plaintiff made an honest mistake as to 15 where the suit could have been brought. *Gigena v. Rye*, 2023 WL 7286665 (E.D. Cal. Nov. 1, 2023); 16 see also *Miller v. Hambrick*, 905 F.2d 259, 262 (9th Cir. 1990) ("Normally transfer will be in the 17 interest of justice because normally dismissal of an action that could be brought elsewhere is 'time 18 consuming and justice-defeating.'") (internal citation omitted).

Dismissal is appropriate when the 19 case was deliberately filed in the wrong court through forum shopping, *Wood v. Santa Barbara Chamber of Commerce*, 705 F.2d 1515, 1523 (9th Cir. 1983), or if it is clear the complaint could not 21 be amended to state a cognizable claim, see generally *Lemon v. Kramer*, 270 F.Supp.3d 125, 140 (D. 22 D.C. 2017). 23 Here, Plaintiff may have accidentally filed the case in the wrong venue, as the caption of the 24 complaint states "Central District of California."1 And, the Court is unable to conclude at this time 25 that there are no circumstances under which plaintiff can state a cognizable claim.

The Court will 26 transfer this action to the Central District of California pursuant to 28 U.S.C. § 1406(a). In 27 1 This is, however, at least the second time that Plaintiff has recently filed in this district 28 improperly. See 2:25-cv-1428 DJC-SCR (transferred to the Central District). 1 | transferring this action, this court expresses no opinion regarding the merits of Plaintiff's complaint.

2 | Plaintiff is instructed to direct any further filings or inquiries related to this case to the United States 3 || District Court for the Central District of California. Further documents filed in the Eastern District of 4 | California related to this case will be disregarded. 5 In accordance with the above, IT IS HEREBY ORDERED: 6 1. This action, including the pending motion to proceed in forma pauperis, is 7 TRANSFERRED to the United States District Court for the Central District of 8 California pursuant to 28 U.S.C. § 1406(a).

9 2. The Clerk shall close this case. 10 || DATED: August 14, 2025 End SEAN C. RIORDAN 13
UNITED STATES MAGISTRATE JUDGE 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-eastern-district-of-cal/2025/ernest-godfrey-logan-jr-v-ace-cash-express-et-al-01ysezbk>