

**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

OPINION

(PS) Logan v. ACE Cash Express

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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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 6 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 9 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* 20 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

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