

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Welthmen Fritz Parks v. Frank Hwang

Parks · No. 1:25-cv-00934-EPG (PC) · Decided August 6, 2025

SUMMARY

The United States District Court for the Eastern District of California determines that venue is improper because none of the defendants resides in the district and the claim arose in Riverside County. Pursuant to 28 U.S.C. § 1406(a), the court orders the case transferred to the United States District Court for the Central District of California in the interest of justice.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 6, 2025
DOCKET	1:25-cv-00934-EPG (PC)
DISPOSITION	transferred
PROCEDURAL POSTURE	A pro se state prisoner filed a civil rights action under 42 U.S.C. § 1983 in the Eastern District of California. The court determined that venue was improper and transferred the action to the Central District of California.
PRECEDENTIAL VALUE	Unknown; transfer order with no reported citation

TOPICS

- venue section 1983 civil procedure civil rights prisoners rights

PRACTICE AREAS

- Civil procedure Civil rights Prisoner civil rights

QUESTIONS PRESENTED

- Whether venue was proper in the Eastern District of California under 28 U.S.C. § 1391(b).
- Whether the action should be transferred to the Central District of California under 28 U.S.C. § 1406(a) because it was filed in the wrong district.

HOLDINGS

1. Venue was improper in the Eastern District of California because none of the defendants resided there and the claim arose in Riverside County, located in the Central District of California.
2. The case should be transferred in the interest of justice to the United States District Court for the Central District of California.

KEY QUOTATIONS

“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 are residents of the State in which the district is located, (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) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.”” (at 1)

FACTUAL BACKGROUND

Plaintiff is a state prisoner proceeding pro se and brought a civil rights action under 42 U.S.C. § 1983. The opinion states that none of the defendants reside in the Eastern District of California. The claim arose in Riverside County, which is located in the Central District of California.

PROCEDURAL HISTORY

Plaintiff filed this § 1983 action in the Eastern District of California. The court found that none of the defendants resided in that district and that the claim arose in Riverside County, within the Central District of California. The court transferred the case under 28 U.S.C. § 1406(a).

DISPOSITION

transferred

REMAND INSTRUCTIONS

The matter is transferred to the United States District Court for the Central District of California.

CASES CITED

- Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 WELTHMEN FRITZ PARKS, 1:25-cv-00934-EPG (PC) 12 Plaintiff,
ORDER TRANSFERRING CASE TO THE 13 v. CENTRAL DISTRICT OF CALIFORNIA 14

FRANK HWANG, et al. 15 Defendant. 16 17 Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 18 U.S.C. § 1983.

19 The federal venue statute requires that a civil action, other than one based on diversity 20 jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all 21 defendants are residents of the State in which the district is located, (2) a judicial district in which 22 a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part 23 of the property that is the subject of the action is situated, or (3) if there is no district in which an 24 action may otherwise be brought as provided in this section, any judicial district in which any 25 defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. § 26 1391(b).

27 In this case, none of the defendants reside in this district. The claim arose in Riverside 28 County, which is in the Central District of California. Therefore, plaintiff’s claim should have 1 | been filed in the United States District Court for the Central District of California.

In the interest 2 | of justice, a federal court may transfer a complaint filed in the wrong district to the correct 3 || district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974). 4 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United 5 || States District Court for the Central District of California.

6 5 IT IS SO ORDERED. | Dated: _ August 6, 2025 [Je hey — 9 UNITED STATES MAGISTRATE JUDGE 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 >