

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Latour v. A1 Towing

No. 2:25cv2134 CSK P · No. No. 2:25cv2134 CSK P · Decided August 6, 2025

SUMMARY

The United States District Court for the Eastern District of California determined that the plaintiff's civil rights claim arose in San Mateo County, within the Northern District of California. The court transferred the action to the Northern District of California under 28 U.S.C. § 1406(a).

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 6, 2025
DOCKET	No. 2:25cv2134 CSK P
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner proceeding pro se filed a 42 U.S.C. § 1983 action and an application to proceed in forma pauperis in the Eastern District of California. The court determined that venue was improper and transferred the action to the Northern District of California.
PRECEDENTIAL VALUE	Unknown
PARTIES	Sir Casey Forles Dailey Latour v. A1 Towing, et al.

TOPICS

- venue
- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights

QUESTIONS PRESENTED

- Whether venue was proper in the Eastern District of California under 28 U.S.C. § 1391(b).

2. Whether the action should be transferred to the Northern District of California under 28 U.S.C. § 1406(a) because the claim arose in San Mateo County.

HOLDINGS

1. Venue was improper in the Eastern District of California because the claim arose in San Mateo County, which is located in the Northern District of California.
2. The action should be transferred to the United States District Court for the Northern District of California in the interest of justice.

FACTUAL BACKGROUND

Plaintiff is a state prisoner who brought a civil rights action under 42 U.S.C. § 1983 against A1 Towing and other defendants. The opinion states that the claim arose in San Mateo County, California. San Mateo County lies within the Northern District of California.

PROCEDURAL HISTORY

Plaintiff filed a civil rights complaint in the Eastern District of California, along with an application to proceed in forma pauperis. Because the claim arose in San Mateo County, the court concluded that the Northern District of California was the proper venue and transferred the matter in the interest of justice under 28 U.S.C. § 1406(a).

DISPOSITION

other

REMAND INSTRUCTIONS

The matter is transferred to the United States District Court for the Northern District of California; no remand instructions were issued.

CASES CITED

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

OPINION

(PC) Latour v. A1 Towing

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 SIR CASEY FORLES DAILEY No. 2:25cv2134 CSK P
LATOUR,

12 Plaintiff,

13 ORDER

v. 14 A1 TOWING, et al., 15 Defendants. 16 17 Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 18 42 U.S.C. § 1983. Plaintiff has filed an application to proceed in forma pauperis pursuant to 19 28 U.S.C. § 1915. 20 The federal venue statute provides that a civil action “may be brought in (1) a judicial 21 district in which any defendant resides, if all defendants are residents of the State in which the 22 district is located, (2) a judicial district in which a substantial part of the events or omissions 23 giving rise to the claim occurred, or a substantial part of property that is the subject of the action 24 is situated, or (3) if there is no district in which an action may otherwise be brought as provided in 25 this action, any judicial district in which any defendant is subject to the court’s personal 26 jurisdiction with respect to such action.” 28 U.S.C. § 1391(b). 27 In this case, the claim arose in San Mateo County, which is in the Northern District of 28 California. Therefore, plaintiff’s claim should have been filed in the United States District Court 1 | for the Northern District of California. In the interest of justice, a federal court may transfer a 2 | complaint filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. 3 || 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 Northern District of California. 6 || Dated: 08/05/25 C iy S \U

7 CHI SOO KIM

g UNITED STATES MAGISTRATE JUDGE

9 10 || /1/ato2134.21 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28