

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

**Tyler Harris v. Max Fantozzi**

Harris · No. 2:25-cv-00259-CDS-NJK · Decided February 24, 2025

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SUMMARY

The United States District Court for the District of Nevada determined that venue was improper because the plaintiff's claims arose from criminal defense services provided in Los Angeles County, California. The court rejected the plaintiff's argument that his subsequent residence and probation-related activities in Nevada established venue there. It ordered the case transferred to the Central District of California, Western Division, in Los Angeles, and directed that the Nevada case be closed.

OPINION

1 2 3 UNITED STATES DISTRICT COURT 4 DISTRICT OF NEVADA 5 6 TYLER HARRIS,  
Case No. 2:25-cv-00259-CDS-NJK 7 Plaintiff(s), ORDER 8 v. 9 MAX FANTOZZI, 10  
Defendant(s). 11 Plaintiff is proceeding pro se and filed an application to proceed in forma  
pauperis. Docket 12 No. 1.

On February 7, 2025, the Court ordered Plaintiff to show cause why this case should not 13 be  
dismissed on venue grounds, or transferred to the United States District Court for the Central 14  
District of California. Docket No. 3. Plaintiff filed a response. Docket No. 4.1 15 The federal  
venue statute requires that a civil action be brought in (1) a judicial district in 16 which any  
defendant resides, if all defendants reside in the same state where the district is located, 17 (2) a  
judicial district in which a substantial part of the events or omissions giving rise to the claim 18  
occurred, or a substantial part of property that is the subject of the action is situated, or (3) a  
judicial 19 district in which any defendant is subject to personal jurisdiction at the time the action  
is 20 commenced, if there is no district in which the action may otherwise be brought.

28 U.S.C. § 21 1391(b). If a case has been filed in the wrong district, the district court in which  
the case has been 22 incorrectly filed has the discretion to transfer such case to any district in  
which it could have been 23 brought. 28 U.S.C. § 1406(a). 24 Although the complaint lacks detail,  
the case arises out of a public defender's work in 25 defending Plaintiff in proceedings in  
California.

See, e.g., Docket No. 1-1. More specifically, 26 Plaintiff argues that his defense counsel could  
have had his criminal case dismissed had he raised 27 1 The Court liberally construes the filings  
of pro se litigants. *Erickson v. Pardus*, 551 U.S. 28 89, 94 (2007). 1} certain constitutional  
arguments. See Docket No. 4 at 4.

The complaint states that the lawsuit arose in Los Angeles County. See Docket No. 1-2 at 2. California bar records also indicate that Defendant is a Los Angeles County Public Defender working in Van Nuys, California. See *White 4! v. Martel*, 601 F.3d 882, 885 (9th Cir. 2010) (courts may take judicial notice of bar records).

In 5] short, Defendant's criminal defense of Plaintiff are the events giving rise to Plaintiffs claim and 6] that criminal defense took place in Los Angeles County, California (not in southern Nevada). 7 Despite the above, Plaintiff's response to the order to show cause indicates that venue is 8|| proper in this District because he moved to Nevada after being released from custody in California and that some of his probationary requirements took place in Nevada.

See Docket No. 4 at 3. This 10] contention is unavailing. "[A]llegations regarding where Plaintiffs felt their injuries are irrelevant 11] to the venue determination, which focuses on a defendant's actions." *Duarte v. Cal. Hotel & 12] Casino*, 2009 WL 4668739, at \*4 (D. Haw. Dec. 4, 2009). Courts reject the contention that venue 13] is proper in a new state where the plaintiff continues feeling alleged harm stemming from an earlier 14] event giving rise to the claim in another state.

See *Harris v. United States*, 2019 WL 7834813, at 15] \*5 (C.D. Cal. Nov. 1, 2019) (allegations of continuing harm from alleged unlawful detention and actions while confined elsewhere did not create basis for venue), adopted, 2020 WL 402126 (C.D. 17|| Cal. Jan. 24, 2020); see also, e.g., *Wisland v. Admiral Beverage Corp.*, 119 F.3d 733, 736 (8th Cir. 18] 1997); *Gamboa v. USA Cycling, Inc.*, 2013 WL 1700951, at \*3 (C.D.

Cal. Apr. 18, 2013); *Duarte*, 19} 2009 WL 4668739, at \*4. 20 Accordingly, it is hereby ORDERED that the Clerk of Court transfer this matter to the 21] Central District of California (Western Division in Los Angeles) and that this case be closed.' 22 IT IS SO ORDERED. 23 Dated: February 24, 2025 Zz A A Nancy J. Koppé 25 United States Magistrate Judge 26 27? An order transferring a case to another federal jurisdiction is a nondispositive matter that is within a magistrate judge's authority under 28 U.S.C. § 636(b)(1)(A).

See *in re U.S. Dept. of 28] Ed.*, 25 F.4th 692, 698-99 (9th Cir. 2022).