

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

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.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Nancy J. Koppé
JURISDICTION	United States District Court for the District of Nevada
DECIDED	February 24, 2025
DOCKET	2:25-cv-00259-CDS-NJK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se, filed a civil action and an application to proceed in forma pauperis. The court ordered him to show cause why the action should not be dismissed or transferred for improper venue, and after receiving his response ordered transfer to the Central District of California.
STANDARD OF REVIEW	The court applied the statutory venue provisions governing where a civil action may be brought and exercised its discretion under 28 U.S.C. § 1406(a) to transfer an action filed in the wrong district.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order

TOPICS

- venue
- civil procedure

PRACTICE AREAS

- civil procedure
- federal venue

QUESTIONS PRESENTED

1. Whether venue was proper in the District of Nevada under 28 U.S.C. § 1391(b) based on Plaintiff's residence, continuing injury, or probationary activities in Nevada.
2. Whether the action should be transferred under 28 U.S.C. § 1406(a) to the Central District of California rather than dismissed for improper venue.

HOLDINGS

1. Venue was not proper in the District of Nevada because the events giving rise to Plaintiff's claims—the Defendant's allegedly deficient criminal defense—occurred in Los Angeles County, California, and Plaintiff's later residence, continuing injuries, and probationary activities in Nevada did not establish venue.
2. The action should be transferred to the Central District of California, Western Division in Los Angeles, because the District of Nevada was an improper venue and the California district was a district in which the action could have been brought.

KEY QUOTATIONS

“ “[A]llegations regarding where Plaintiffs felt their injuries are irrelevant to the venue determination, which focuses on a defendant's actions.” ” (2)

FACTUAL BACKGROUND

The action arose from Defendant's work as Plaintiff's public defender in criminal proceedings in Los Angeles County, California. Plaintiff alleged that defense counsel could have obtained dismissal of the criminal case by raising certain constitutional arguments. Plaintiff later moved to Nevada after release from custody and asserted that some probationary requirements occurred there, but the alleged defense-related conduct took place in California.

PROCEDURAL HISTORY

Plaintiff filed the action in the District of Nevada concerning alleged ineffective or constitutionally deficient representation by a California public defender in criminal proceedings. The court issued an order to show cause regarding venue. After Plaintiff argued that venue was proper because he later moved to Nevada and performed some probationary requirements there, the court rejected that argument and transferred the case to the Central District of California.

DISPOSITION

other

REMAND INSTRUCTIONS

The Clerk was ordered to transfer the matter to the United States District Court for the Central District of California, Western Division in Los Angeles, and close the District of Nevada case.

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- White v. Martel, 601 F.3d 882, 885 (9th Cir. 2010)
- Duarte v. Cal. Hotel & Casino, 2009 WL 4668739, at *4 (D. Haw. Dec. 4, 2009)
- Harris v. United States, 2019 WL 7834813, at *5 (C.D. Cal. Nov. 1, 2019), adopted, 2020 WL 402126 (C.D. Cal. Jan. 24, 2020)
- Wisland v. Admiral Beverage Corp., 119 F.3d 733, 736 (8th Cir. 1997)
- Gamboa v. USA Cycling, Inc., 2013 WL 1700951, at *3 (C.D. Cal. Apr. 18, 2013)
- In re U.S. Dept. of Ed., 25 F.4th 692, 698-99 (9th Cir. 2022)

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