

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Kevin Duane Hickman v. J. Robertson

No. 2:25-cv-1964 CKD P (E.D. Cal. July 17, 2025) · No. No. 2:25-cv-1964 CKD P · Decided July 17, 2025

SUMMARY

The United States District Court for the Eastern District of California ordered the transfer of a pro se state prisoner’s 42 U.S.C. § 1983 action to the United States District Court for the District of Columbia. The court relied on the federal venue statute and 28 U.S.C. § 1406(a), concluding that the Eastern District of California did not appear to have jurisdiction over the claims.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 17, 2025
DOCKET	No. 2:25-cv-1964 CKD P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se, filed a civil-rights action under 42 U.S.C. § 1983 in the Eastern District of California. The court ordered the action transferred to the United States District Court for the District of Columbia.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- venue
- section 1983
- subject matter jurisdiction
- civil procedure

PRACTICE AREAS

- civil rights
- federal civil procedure
- prisoner litigation

QUESTIONS PRESENTED

- Whether the action should be transferred under 28 U.S.C. § 1406(a) because the Eastern District of California appeared to be an improper venue.

2. Whether the Eastern District of California appeared to have jurisdiction over any claim asserted in the complaint.

HOLDINGS

1. When a civil action is filed in the wrong federal district, the court may transfer the action to a proper district in the interest of justice under 28 U.S.C. § 1406(a); here, transfer to the District of Columbia was warranted because one defendant appeared to reside there.

KEY QUOTATIONS

“The federal venue statute provides that a civil action “may be brought in (1) a judicial district in which 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 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 action, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.”” (at 1)

FACTUAL BACKGROUND

Kevin Duane Hickman, a state prisoner proceeding without counsel, filed a civil-rights complaint under 42 U.S.C. § 1983. The opinion provides no substantive facts about the alleged constitutional violations. One defendant appeared to reside in the District of Columbia, and the court concluded that transfer to that district was appropriate because venue in the Eastern District of California appeared incorrect.

PROCEDURAL HISTORY

The complaint was filed in the Eastern District of California. The court determined that venue appeared improper because one defendant appeared to reside in the District of Columbia 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 District of Columbia.

CASES CITED

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

OPINION

(PC) Hickman v. Roberts

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 KEVIN DUANE HICKMAN, No. 2:25-cv-1964 CKD P

12 Plaintiff, 13 v. ORDER 14 J. ROBERTSON, et al., 15 Defendants. 16 17 Plaintiff, a state
prisoner proceeding pro se, has filed a civil rights action pursuant to 42 18 U.S.C. § 1983. The
federal venue statute provides that a civil action “may be brought in (1) a 19 judicial district in
which any defendant resides, if all defendants are residents of the State in 20 which the district is
located, (2) a judicial district in which a substantial part of the events or 21 omissions giving rise
to the claim occurred, or a substantial part of property that is the subject of 22 the action is
situated, or (3) if there is no district in which an action may otherwise be brought as 23 provided in
this action, any judicial district in which any defendant is subject to the court’s 24 personal
jurisdiction with respect to such action.” 28 U.S.C. § 1391(b). 25 It does not appear the court has
jurisdiction over any claim asserted in the complaint. One 26 of the defendants appears to reside in
the District of Columbia. In the interest of justice, a federal 27 court may transfer a complaint filed
in the wrong district to a correct district. See 28 U.S.C. § 28 1406(a); Starnes v. McGuire, 512 F.2d
918, 932 (D.C. Cir. 1974).] Accordingly, IT IS HEREBY ORDERED that this matter is
transferred to the United 2 || States District Court for District of Columbia. 3 | Dated: July 17, 2025
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4 CAROLYN K.DELANEY

5 UNITED STATES MAGISTRATE JUDGE

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