

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Hector Martin Prieto v. State of California, et al.

Prieto v. State of California · No. 1:25-cv-00618-SAB (PC) · Decided June 25, 2025

OPINION

(PC)Prieto v. The State of California

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 HECTOR MARTIN PRIETO, No. 1:25-cv-00618-SAB (PC)

12 Plaintiff,

13 v. ORDER TRANSFERRING CASE

14 STATE OF CALIFORNIA, et al., 15 Defendants. 16 17 Plaintiff Hector Martin Prieto, a state
prisoner proceeding pro se, filed a civil rights 18 action under 42 U.S.C. § 1983 on May 27, 2025.
On that same date, he also filed a motion 19 to proceed in forma pauperis, (ECF No. 2), which
was granted on May 28, 2025, (ECF No. 7). 20 The general federal venue statute pursuant to 28
U.S.C. § 1391(b) provides that a civil 21 action “may be brought in (1) a judicial district in which
any defendant resides, if all defendants 22 are residents of the State in which the district is located;
(2) a judicial district in which a 23 substantial part of the events or omissions giving rise to the
claim occurred, or a substantial part 24 of property that is the subject of the action is situated; or
(3) if there is no district in which an 25 action may otherwise be brought as provided in this
section, any judicial district in which any 26 defendant is subject to the court's personal
jurisdiction with respect to such action.” If a court 27 determines the appropriate venue for a case
lies in another division or district, the court “shall 28 dismiss, or if it be in the interest of justice,
transfer such case to any district or division in which it 1 | could have been brought.” 28 U.S.C. §
1406(a). Even if venue is proper, a court may transfer an 2 | action to another district under 28
U.S.C. § 1404(a) “[f]or the convenience of parties and 3 || witnesses, in the interest of justice.” A
court may raise and decide the issue of venue sua sponte. 4 | See *Costlow v. Weeks*, 790 F.2d
1486, 1488 (9th Cir. 1986). 5 Here, a review of the complaint reveals that the claims arose out of
events at 6 | the California State Prison in Lancaster, Los Angeles County, which is in the Central
District of 7 | California. All defendants are employed at that facility and appear to reside in that
district. 8 | Therefore, Plaintiff’s claim should have been filed in the United States District Court
for the 9 | Central District of California. Indeed, Plaintiff's complaint is directed to and filed on the

Central 10 | District of California form complaint. (ECF No. 1.) In the interest of justice, a federal court may 11 | transfer a complaint filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); 12 | District No. 1, Pacific Coast Dist., M.E.B.A. v. State of Alaska, 682 F.2d 797, 799 n. 3 (9th Cir. 13 | 1982). 14 Accordingly, the Court HEREBY ORDERS that: 15 1. This matter is transferred to the United States District Court for the Central District 16 of California; and 17 2. The Clerk of Court is directed to close this action. 18
19 IT IS SO ORDERED. DAM Le
20 | Dated: _June 25, 2025 _ ee
STANLEY A. BOONE
21 United States Magistrate Judge 22 23 24 25 26 27 28