

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Towner v. Silva

Towner · No. 1:25-cv-000926-SKO (HC) · Decided July 31, 2025

SUMMARY

The United States District Court for the Eastern District of California transferred Jeremy M. Towner's 28 U.S.C. § 2254 habeas corpus action to the Northern District of California. The court determined that the challenged conviction arose in Santa Cruz County and ordered transfer under 28 U.S.C. § 1406(a) in the interest of justice.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 31, 2025
DOCKET	1:25-cv-000926-SKO (HC)
DISPOSITION	remanded
PROCEDURAL POSTURE	Petitioner filed a state habeas corpus action under 28 U.S.C. § 2254 in the Eastern District of California, and the court sua sponte determined that venue was improper and transferred the case to the Northern District of California.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jeremy M. Towner v. Silva

TOPICS

- venue
- federal habeas corpus
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- venue
- civil procedure

QUESTIONS PRESENTED

1. Whether venue was proper in the Eastern District of California for a § 2254 petition challenging a conviction from Santa Cruz County.
2. Whether the court should transfer the action to the Northern District of California in the interest of justice under 28 U.S.C. § 1406(a).

HOLDINGS

1. A § 2254 petition challenging a conviction from Santa Cruz County should have been filed in the Northern District of California because the relevant conviction arose there; the Eastern District was the wrong district for the action.
2. When a case is filed in the wrong federal district, the court may transfer it to the proper district in the interest of justice under 28 U.S.C. § 1406(a).

KEY QUOTATIONS

“The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where 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 the 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 section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.”” (at 1)

FACTUAL BACKGROUND

Petitioner is a state prisoner challenging a conviction from Santa Cruz County, California. Santa Cruz County is located in the Northern District of California, rather than the Eastern District, where the petition was filed.

PROCEDURAL HISTORY

Jeremy M. Towner, a state prisoner proceeding pro se, filed a § 2254 habeas petition and an application to proceed in forma pauperis in the Eastern District of California. Because the petition challenged a conviction from Santa Cruz County, the court determined that the case should have been filed in the Northern District of California and transferred it there in the interest of justice under 28 U.S.C. § 1406(a).

DISPOSITION

remanded

REMAND INSTRUCTIONS

The matter was transferred to the United States District Court for the Northern District of California for further proceedings. This was a venue transfer rather than a remand to a lower court.

CASES CITED

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

OPINION

(HC) Towner v. Silva

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 JEREMY M. TOWNER, 1:25-cv-000926-SKO (HC)

12 Petitioner,

ORDER TRANSFERRING CASE TO THE

13 v. UNITED STATES DISTRICT COURT FOR

THE NORTHERN DISTRICT OF

14 SILVA, CALIFORNIA

15 Respondent. 16

17 Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 18 28 U.S.C. § 2254, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. 19 § 1915. 20 The federal venue statute requires that a civil action, other than one based on diversity 21 jurisdiction, be brought only in “(1) a judicial district where 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 substantial 23 part of the events or omissions giving rise to the claim occurred, or a substantial part of the property 24 that is the subject of the action is situated, or (3) if there is no district in which an action may 25 otherwise be brought as provided in this section, any judicial district in which any defendant is 26 subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. § 1391(b). 27 28 1 Petitioner is challenging a conviction from Santa Cruz County, which is in the Northern 2 District of California. Therefore, the petition should have been filed in the United States District 3 Court for the Northern District of California. In the interest of justice, a federal court may transfer 4 a case filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 5 512 F.2d 918, 932 (D.C. Cir. 1974). 6 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States 7 District Court for the Northern District of California. 8 IT IS SO ORDERED. 9 10 Dated: July 31, 2025 /s/ Sheila K. Oberto .

UNITED STATES MAGISTRATE JUDGE

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