

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

OPINION

1 2 3 4 5 6 7 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 11 12
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