

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Curtis James Hernandez v. Galvin Newsom

Hernandez v. Newsom · No. 1:25-cv-000857-SAB (PC) · Decided July 15, 2025

SUMMARY

The United States District Court for the Eastern District of California transferred a pro se prisoner's civil rights action under 42 U.S.C. § 1983 to the Central District of California. The court concluded that none of the defendants resided in the Eastern District and that the claim arose in Los Angeles County, making transfer appropriate under 28 U.S.C. § 1406(a).

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 15, 2025
DOCKET	1:25-cv-000857-SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	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 determined that venue was improper and transferred the action to the Central District of California.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated.
PARTIES	Curtis James Hernandez v. Galvin Newsom, et al.

TOPICS

- venue
- section 1983
- civil procedure
- civil rights
- prisoners rights

PRACTICE AREAS

- Civil procedure
- Civil rights
- Prisoner civil rights

QUESTIONS PRESENTED

- Whether venue was proper in the Eastern District of California under 28 U.S.C. § 1391(b).

2. Whether the action should be transferred to the Central District of California under 28 U.S.C. § 1406(a).

HOLDINGS

1. Venue was improper in the Eastern District of California because none of the defendants resided there and the claim arose in Los Angeles County, which is in the Central District of California.
2. When a complaint 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

“In the interest of justice, a federal court may transfer a complaint filed in the wrong district to the correct district.” (at 2)

FACTUAL BACKGROUND

Curtis James Hernandez, a state prisoner proceeding pro se, brought a civil rights action under 42 U.S.C. § 1983. None of the defendants resided in the Eastern District of California. The claim arose in Los Angeles County, which is within the Central District of California.

PROCEDURAL HISTORY

Plaintiff filed this § 1983 action in the Eastern District of California. The court found that none of the defendants resided in that district and that the claim arose in Los Angeles County, located in the Central District of California. The court transferred the matter to the Central District of California 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 Central District of California.

CASES CITED

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

OPINION

Curtis James Hernandez v. Galvin Newsom

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 CURTIS JAMES HERNANDEZ, 1:25-cv-000857-SAB (PC)

12 Plaintiff,

ORDER TRANSFERRING CASE TO THE

13 v. CENTRAL DISTRICT OF CALIFORNIA

14 GALVIN NEWSOM, 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. 19 The federal venue statute requires that a civil action, other than one based on diversity 20 jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all 21 defendants are residents of the State in which the district is located, (2) a judicial district in which 22 a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part 23 of the property that is the subject of the action is situated, or (3) if there is no district in which an 24 action may otherwise be brought as provided in this section, any judicial district in which any 25 defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. § 26 1391(b). 27 /// 28 /// 1 In this case, none of the defendants reside in this district. The claim arose in Los Angeles 2 | County, which is in the Central District of California. Therefore, plaintiff’s claim should have 3 | been filed in the United States District Court for the Central District of California. In the interest 4 | of justice, a federal court may transfer a complaint filed in the wrong district to the correct 5 || district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974). 6 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United 7 | States District Court for the Central District of California. 8

9 IT IS SO ORDERED. FA. ee

19 | Dated: _ July 15, 2025 ;

STANLEY A. BOONE

11 United States Magistrate Judge 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 >