

**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).

OPINION

1 2 3 4 5 6 7 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 >

