

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Elena D. Diaz; Felix Martinez de la Cruz v. Richard James Fraser;
Karen Fraser

Diaz v. Fraser, 26-CV-3511 (LTS) (S.D.N.Y. May 5, 2025) · No. 26-CV-3511 (LTS) · Decided May 5, 2026

SUMMARY

The United States District Court for the Southern District of New York transferred the plaintiffs’ pro se diversity action to the District of New Hampshire. The court concluded that venue was improper in New York because the defendants resided in New Hampshire and the car accident giving rise to the claims occurred there, and ordered transfer under 28 U.S.C. § 1406(a).

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Laura Taylor Swain
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	May 5, 2026
DOCKET	26-CV-3511 (LTS)
DISPOSITION	transferred
PROCEDURAL POSTURE	Plaintiffs filed a pro se diversity action in the Southern District of New York arising from a New Hampshire car accident. The court issued a transfer order under 28 U.S.C. § 1406(a).
STANDARD OF REVIEW	The court applied the statutory venue provisions in 28 U.S.C. § 1391(b) and the interest-of-justice transfer standard under 28 U.S.C. § 1406(a).
PRECEDENTIAL VALUE	Unpublished district court transfer order; limited persuasive value.
PARTIES	Elena D. Diaz, Felix Martinez de la Cruz v. Richard James Fraser, Karen Fraser

TOPICS

- venue
- civil procedure
- personal injury

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether venue was proper in the Southern District of New York under 28 U.S.C. § 1391(b).
2. Whether the action should be transferred to the District of New Hampshire in the interest of justice under 28 U.S.C. § 1406(a).

HOLDINGS

1. Venue was not proper in the Southern District of New York because defendants reside in New Hampshire and the events giving rise to plaintiffs' claims occurred in New Hampshire.
2. The action should be transferred to the United States District Court for the District of New Hampshire because venue was proper there and transfer was in the interest of justice.

KEY QUOTATIONS

“The Court concludes that it is in the interest of justice to transfer this action to the United States District Court for the District of New Hampshire.”

“The Clerk of Court is directed to transfer this action to the United States District Court for the District of New Hampshire.”

FACTUAL BACKGROUND

Plaintiffs reside in Bronx County, New York. Defendants reside in New Hampshire, and the car accident giving rise to plaintiffs' claims occurred in New Hampshire. Plaintiffs filed the action in the Southern District of New York and asserted diversity jurisdiction.

PROCEDURAL HISTORY

Plaintiffs, residents of Bronx County, New York, filed an action invoking diversity jurisdiction against defendants residing in New Hampshire based on a car accident occurring in New Hampshire. The Southern District of New York determined that venue was improper there and transferred the action to the United States District Court for the District of New Hampshire. The court closed the case in the Southern District of New York, directed that summonses not issue, and denied in forma pauperis status for any appeal.

DISPOSITION

transferred

REMAND INSTRUCTIONS

The Clerk was directed to transfer the action to the United States District Court for the District of New Hampshire. The transferee court was left to determine whether plaintiffs may proceed without prepayment of fees.

CASES CITED

- Coppedge v. United States, 369 U.S. 438, 444-45 (1962)

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