

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Ernest Godfrey Logan, Jr. v. DPSS Public Social Services, et al.

No. 2:24-cv-02743-TLN-SCR · No. No. 2:24-cv-02743-TLN-SCR · Decided July 14, 2025

OPINION

(PS) Logan Jr v. DPSS Public Social Services

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 ERNEST GODFREY LOGAN, Jr., No. 2:24-cv-02743-TLN-SCR

12 Plaintiff,

13 v. ORDER TO SHOW CAUSE

14 DPSS PUBLIC SOCIAL SERVICES, et

al., 15 Defendants. 16 17 Plaintiff, proceeding pro se, filed a complaint and has paid the filing fee. ECF No. 1. 18 This matter is before the undersigned pursuant to Local Rule 302(c)(21) and 28 U.S.C. § 19 636(b)(1). Review of the complaint reflects that this action was filed in the improper venue. 20 Additionally, more than 90 days have passed since the filing of this action and no return of 21 service is on file. Accordingly, Plaintiff shall show cause why the action should not be dismissed 22 or transferred to the Central District of California. 23 I. Venue 24 Plaintiff filed his complaint on October 4, 2024. ECF No. 1. The caption of the 25 complaint states “Central District of California.” Id. at 1. Plaintiff lists his address as Los 26 Angeles, California. Id. Plaintiff also lists Los Angeles area addresses for all of the Defendants.

27 Id. at 2-3. Plaintiff appears to allege wrongdoing and theft in regard to public funds for social 28 services agencies. 1 The federal venue statute provides that a civil action “may be brought in (1) a judicial 2 district in which any defendant resides, if all defendants are residents of the State in which the 3 district is located; (2) a judicial district in which a substantial part of the events or omissions 4 giving rise to the claim occurred, or a substantial part of property that is the subject of the action 5 is situated; or (3) if there is no district in which an action may otherwise be brought as provided in 6 this section, any judicial district in which any defendant is subject to the court’s personal 7 jurisdiction with respect to such action.” 28 U.S.C. § 1391(b). 8 In this case, it appears the Defendants reside in Los Angeles, as does the Plaintiff. 9 Further, it appears that the events or omissions giving rise to the claim allegedly occurred in Los 10 Angeles. As the Defendants have not appeared and have not waived a challenge to venue, the 11 Court may raise the issue sua

sponte. *Costlow v. Weeks*, 790 F.2d 1486, 1488 (9th Cir. 1986). 12 Where an action is filed in the wrong venue, the district court may dismiss it or, in the interests of 13 justice, transfer it to a district where it could have been brought. *Id.* citing 28 U.S.C. § 1406(a). 14 II. Service 15 Plaintiff filed this action on October 4, 2024. ECF No. 1. Summons issued on October 7, 16 2024. ECF No. 4. Federal Rule of Civil Procedure 4(m) provides in relevant part: “If a defendant 17 is not served within 90 days after the complaint is filed, the court--on motion or on its own after 18 notice to the plaintiff--must dismiss the action without prejudice against that defendant or order 19 that service be made within a specified time. But if the plaintiff shows good cause for the failure, 20 the court must extend the time for service for an appropriate period.” More than 90 days have 21 passed since the filing of the complaint and Plaintiff has not filed a return/proof of service. 22 Accordingly, IT IS HEREBY ORDERED that: 23 1. Plaintiff shall show cause, in writing, within 14 days of the date of this Order, why 24 this action should not be dismissed/transferred based on improper venue or dismissed 25 based on failure to effect service. Plaintiff shall address both the issue of venue and 26 issue of service. If Plaintiff fails to respond, the court will recommend dismissal of 27 the action. 28] 2. Alternatively, if Plaintiff no longer wishes to pursue this action, Plaintiff may file a 2 notice of voluntary dismissal of this action pursuant to Rule 41 of the Federal Rules of 3 Civil Procedure. 4 SO ORDERED. 5 | DATED: July 11, 2025 6 .

7 SEAN C. RIORDAN

g UNITED STATES MAGISTRATE JUDGE

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