

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Martin Soto v. C/OS Sgt.

Soto · No. 1:25-cv-00245-GSA (PC) · Decided March 3, 2025

SUMMARY

The court ordered the transfer of a pro se prisoner’s 42 U.S.C. § 1983 action from the Eastern District of California to the Northern District of California under 28 U.S.C. § 1406(a). The court determined that the claim arose in Monterey County and that none of the defendants resided in the Eastern District.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Gary S. Austin
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 3, 2025
DOCKET	1:25-cv-00245-GSA (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A pro se state prisoner 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 Northern District of California.
PRECEDENTIAL VALUE	Unknown; district court transfer order designated per curiam, with no reporter citation or precedential designation in the source.
PARTIES	Martin Soto v. C/OS Sgt.

TOPICS

- venue
- section 1983
- prisoners rights
- civil procedure

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights

QUESTIONS PRESENTED

1. 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 Northern District of California under 28 U.S.C. § 1406(a) because it was filed in the wrong district.

HOLDINGS

1. Venue was improper in the Eastern District of California because none of the defendants resided there and the claim arose in Monterey County, within the Northern District of California.
2. The action should be transferred to the United States District Court for the Northern District of California in the interest of justice.

KEY QUOTATIONS

“The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants are residents of the State in which the district is located, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.”” (at 1)

FACTUAL BACKGROUND

Martin Soto, a state prisoner proceeding without counsel, brought a civil rights claim under 42 U.S.C. § 1983 against C/OS Sgt. The claim arose in Monterey County, which is located in the Northern District of California, and none of the defendants resided in the Eastern District of California.

PROCEDURAL HISTORY

Plaintiff filed this § 1983 action in the Eastern District of California. Because the claim arose in Monterey County and no defendant resided in the Eastern District, the court transferred the matter to the Northern District of California in the interest of justice under 28 U.S.C. § 1406(a).

DISPOSITION

other

REMAND INSTRUCTIONS

The matter was transferred to the United States District Court for the Northern District of California. No remand was ordered.

CASES CITED

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

OPINION

(PC) Soto v. C/OS Sgt.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 MARTIN SOTO, 1:25-cv-00245-GSA (PC)

12 Plaintiff,

ORDER TRANSFERRING CASE TO THE

13 v. NORTHERN DISTRICT OF CALIFORNIA

14 C/OS SGT.,

15 Defendant. 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 In this case, none of the defendants reside in this
district. The claim arose in Monterey 1 County, which is in the Northern District of California.
Therefore, plaintiff’s claim should have 2 been filed in the United States District Court for the
Northern District of California. In the 3 interest of justice, a federal court may transfer a complaint
filed in the wrong district to the 4 correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire,
512 F.2d 918, 932 (D.C. Cir. 5 1974). 6 Accordingly, IT IS HEREBY ORDERED that this matter
is transferred to the United 7 States District Court for the Northern District of California. 8 IT IS
SO ORDERED. 9 10 Dated: February 28, 2025 /s/ Gary S. Austin

UNITED STATES MAGISTRATE JUDGE

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