

**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

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**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.

**OPINION**

1 2 3 4 5 6 7 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 11  
12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

