

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Broadnax v. State Controller's Office (CA), et al.

Case No. 25-cv-01321-PHK (N.D. Cal. Mar. 5, 2025) · No. 25-cv-01321-PHK · Decided March 5, 2025

SUMMARY

The United States District Court for the Northern District of California ordered transfer of this pro se civil rights action to the Eastern District of California for improper venue. The court concluded that the relevant events and all parties were located within the Eastern District of California, and held that a magistrate judge had authority to order the non-dispositive transfer.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Peter H. Kang
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 5, 2025
DOCKET	25-cv-01321-PHK
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff filed a pro se civil-rights action under 42 U.S.C. § 1983. Before service or appearance by any defendant, the court sua sponte considered venue and ordered transfer to the Eastern District of California.
STANDARD OF REVIEW	The court applied the statutory venue framework under 28 U.S.C. § 1391(b) and considered whether a magistrate judge had authority to issue a non-dispositive transfer order under 28 U.S.C. § 636(b)(1)(A).
PRECEDENTIAL VALUE	Unpublished district court order; persuasive value only.
PARTIES	Cottrell Broadnax v. State Controller's Office (CA), California Department of Corrections and Rehabilitation, Office of Appeals, Office of Grievances, KVSP Trust Account Office

TOPICS

- venue
- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

Civil procedure

Federal venue

Prisoner civil rights

QUESTIONS PRESENTED

1. Whether venue was proper in the Northern District of California or instead lay in the Eastern District of California under 28 U.S.C. § 1391(b).
2. Whether a magistrate judge could order transfer for improper venue before defendants had been served or appeared.

HOLDINGS

1. Venue was improper in the Northern District of California because the plaintiff, the defendants, and the events giving rise to the claims were located in the Eastern District of California.
2. A magistrate judge had authority to order the transfer because the transfer was non-dispositive and did not dispose of claims or defenses or terminate the action within the federal court system.

KEY QUOTATIONS

“does “not dispose of any claims or defenses and [does] not effectively deny [the plaintiff] any ultimate relief sought”” (at 3)

“Here, as in CMKM Diamonds, a transfer of venue does not address the merits of the Parties’ claims, dispose of any claims or defenses, or foreclose any relief sought; nor does a transfer of venue terminate the case within the federal court system.” (at 3-4)

FACTUAL BACKGROUND

Plaintiff was incarcerated at Kern Valley State Prison and alleged that prison-related offices withdrew funds from his trust account to pay filing fees and postage or mailing fees. Kern Valley State Prison is in Delano, Kern County, while the remaining named state entities are located in Sacramento. Kern and Sacramento Counties are within the Eastern District of California, and the events underlying the claims occurred at the prison.

PROCEDURAL HISTORY

Broadnax, an inmate at Kern Valley State Prison, filed a handwritten and vague complaint challenging withdrawals from his prison trust account for filing, postage, and mailing fees. The Northern District of California determined that the relevant defendants and events were located in the Eastern District of California and transferred the action for improper venue. The clerk was directed to close the Northern District case.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action was ordered transferred to the United States District Court for the Eastern District of California. The clerk was directed to close the Northern District of California case.

CASES CITED

- S.E.C. v. CMKM Diamonds, Inc., 729 F.3d 1248, 1260 (9th Cir. 2013)
- Gomes v. Mathis, No. CV 17-7022 SVW (SS), 2019 WL 11720210, at *1 n.2 (C.D. Cal. Aug. 5, 2019)
- Gomes v. Silver State Mortg., No. C 09-2340 RS, 2009 WL 10674100, at *2 (N.D. Cal. July 28, 2009)
- Paoa v. Marati, No. CIV. 07-00370 JMS/LEK, 2007 WL 4563938, at *2 (D. Haw. Dec. 28, 2007)

OPINION

Broadnax v. State Controller's Office (CA)

PER CURIAM.

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4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 SAN FRANCISCO DIVISION

7

8 COTTRELL BROADNAX,

Case No. 25-cv-01321-PHK 9 Plaintiff,

10 v. ORDER OF TRANSFER

11 STATE CONTROLLER'S OFFICE (CA), et

al., 12 Defendants. 13

14 INTRODUCTION

15 Plaintiff, an inmate housed at Kern Valley State Prison ("KVSP"), has filed a pro se civil 16
rights action pursuant to 42 U.S.C. § 1983. He has named as defendants the State Controller's 17
Office (CA), the California Department of Corrections and Rehabilitation, the Office of Appeals,
18 the Office of Grievances, and KVSP Trust Account Office. The complaint is handwritten and
19 vague, but Plaintiff appears to be challenging the withdrawal of funds from his trust account to
20 pay filing fees for cases that he has filed in the United District Court for the Eastern District of
21 California, as well as withdrawal of funds to pay for postage or mailing fees. [Dkt. 5]. For the
22 reasons set forth below, the Court ORDERS that this action be transferred to the Eastern
District 23 of California. 24

25 DISCUSSION

26 Venue is generally proper in a judicial district in which: (1) any defendant resides, if all 27
defendants are residents of the state in which the district is located; (2) a substantial part of the 1
subject of the action is situated; or (3) any defendant is subject to the court's personal jurisdiction,
2 if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). The 3
events or omissions giving rise to Plaintiff's claim(s) occurred at Kern Valley State Prison, which
4 is located in Delano, California. [Dkt. 5 at 1]. The Court has the authority to take Judicial Notice

5 of certain facts under the proper circumstances. See Fed. R. Evid. 201(b)(2) (“The court may 6
judicially notice a fact that is not subject to reasonable dispute because it . . . can be accurately and
7 readily determined from sources whose accuracy cannot reasonably be questioned.”). The Court
8 takes judicial notice that Delano, California is a city within Kern County, California. See 9
<https://www.cityofdelano.org/105/Police-Department> (“The city of Delano is the northernmost 10
city in the County of Kern.”). 11 The Complaint does not allege that any of the named defendants
reside in this judicial 12 district. As noted, the Court has the authority to take Judicial Notice of
facts which are not subject 13 to reasonable dispute because they can be accurately and readily
determined from sources whose 14 accuracy cannot reasonably be questioned. See Fed. R. Evid.
201(b)(2). The Court takes judicial 15 notice of the following geographic facts which are not
subject to reasonable dispute and are 16 readily determined from sources (government websites)
whose accuracy cannot reasonably be 17 questioned: 18 Two named defendants, the Office of
Grievances and KVSP Trust Accounting Office, are 19 entities located at Kern Valley State Prison,
in Kern County. See Dkt. 5. 20 The remaining defendants are entities located in Sacramento,
California. The Executive 21 Office of the State Controller’s Office (CA) is located in
Sacramento, California. See 22 https://www.sco.ca.gov/sco_divisions.html. The headquarters for
the California Department of 23 Corrections and Rehabilitation is also located in Sacramento,
California. See 24 <https://www.cdcr.ca.gov/opec-who-we-are/> (“CDCR headquarters in
Sacramento”). The CDCR 25 Office of Appeals is also located in Sacramento, California. See
[https://www.cdcr.ca.gov/about- 26 cdcr/ooa/](https://www.cdcr.ca.gov/about-26-cdcr/ooa/) (“Contact Us” lists Sacramento address). Sacramento
is the capital of California and is 27 located in Sacramento County. See 1 Kern County and
Sacramento County both lie within the geographic boundaries of the 2 United States District Court
for the Eastern District of California. See 28 U.S.C. § 84(b). The 3 Plaintiff and all Defendants are
located in the Eastern District of California. All the events giving 4 rise to this lawsuit occurred at
Kern Valley State Prison, in the Eastern District of California. 5 Accordingly, venue for this action
properly lies in the Eastern District of California. 6 Plaintiff has consented to Magistrate Judge
jurisdiction in this matter. [Dkt. 6]. However, 7 because no Defendants have yet been served or
appeared, no Defendants have had an opportunity 8 to consent or decline Magistrate Judge
jurisdiction. Nevertheless, a transfer of this action for lack 9 of venue is non-dispositive and
therefore within a Magistrate Judge’s authority to order. 10 In an analogous procedural context, the
Ninth Circuit held that a ruling that does “not 11 dispose of any claims or defenses and [does] not
effectively deny [the plaintiff] any ultimate relief 12 sought” is non-dispositive and properly
within a Magistrate Judge’s authority to order pursuant to 13 28 U.S.C. § 636(b)(1)(A). See *S.E.C.*
v. CMKM Diamonds, Inc., 729 F.3d 1248, 1260 (9th Cir. 14 2013) (motion to stay). 15 Here, as in
CMKM Diamonds, a transfer of venue does not address the merits of the 16 Parties’ claims,
dispose of any claims or defenses, or foreclose any relief sought; nor does a 17 transfer of venue
terminate the case within the federal court system. Instead, a transfer order 18 simply results in the
action being transferred to another district court. Accordingly, a Magistrate 19 Judge has the

authority to order the transfer a case for improper venue. See, e.g., *Gomes v. 20 Mathis*, No. CV 17-7022 SVW (SS), 2019 WL 11720210, at *1 n.2 (C.D. Cal. Aug. 5, 2019) 21 (collecting cases); *Gomes v. Silver State Mortg.*, No. C 09-2340 RS, 2009 WL 10674100, at *2 22 (N.D. Cal. July 28, 2009); *Paoa v. Marati*, No. CIV. 07- 00370JMSLEK, 2007 WL 4563938, at 23 *2 (D. Haw. Dec. 28, 2007). Because this Court finds that venue is improper in this district as 24 discussed above, this Court has the authority to order transfer of this case for improper venue. 25

26 CONCLUSION

27 Accordingly, for the reasons discussed herein, the Court ORDERS that, in the interests of 1 District Court for the Eastern District of California. 2 The Clerk of Court is directed to close this case. 3 IT IS SO ORDERED. 4 Date: March 5, 2025 eg 4 5

PETER H. KANG

6 United States Magistrate Judge 7 8 9 10 11 a 12 13 14 © 15 A 16 17 Z 18 19 20 21 22 23 24 25
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