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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 KENNETH BARBOUR,

No. CIV S-11-3204 CMK P

12 Plaintiff,

13 vs.

ORDER

14 The 43rd United States President,

15 Defendant.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant
18 to 42 U.S.C. § 1983, together with a request to proceed in forma pauperis. In light of 1996
19 amendments to 28 U.S.C. § 1915, this court will not rule on plaintiff's request to proceed in
20 forma pauperis.

21 The federal venue statute requires that a civil action, other than one based on
22 diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all
23 defendants reside in the same State, (2) a judicial district in which a substantial part of the events
24 or omissions giving rise to the claim occurred, or a substantial part of property that is the subject
25 of the action is situated, or (3) a judicial district in which any defendant may be found, if there is
26 no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

1 In this case, the defendant is located and the claim arose in Washington, D.C.,
2 which is in the District of Columbia. Therefore, plaintiff's claim should have been filed in the
3 United States District Court for the District of Columbia. In the interest of justice, a federal court
4 may transfer a complaint filed in the wrong district to the correct district. See 28 U.S.C.
5 § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. This court has not ruled on plaintiff's request to proceed in forma pauperis; and
8 2. This matter is transferred to the United States District Court for the District of
9 Columbia.

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11 DATED: December 9, 2011

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13 **CRAIG M. KELLISON**
14 UNITED STATES MAGISTRATE JUDGE

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