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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SHAUN DARNELL GARLAND,

Plaintiff - Appellant,

v.

A. K. SKRIBNER; et al.,

Defendants - Appellees.

No. 09-15079

D.C. No. 1:06-cv-00198-OWW-  
GSA

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Oliver W. Wanger, District Judge, Presiding

Submitted September 22, 2010\*\*

Before: WALLACE, HAWKINS, and THOMAS, Circuit Judges.

The district court properly dismissed Shaun Darnell Garland’s (“Garland”) claims against defendant Lewis, without prejudice, so that Garland could re-file them in the proper venue. *See* 28 U.S.C. § 1391(b) (“A civil action . . . may . . . be brought only in . . . a judicial district in which a substantial part of the events or

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated . . .”); *see also* Fed. R. Civ. P. 21 (permitting the court, on just terms, to drop a party).

Contrary to Garland’s contention, the district court did not err by denying his motion to transfer him from state to federal custody because he had already been transferred to a different state prison. *See Dilley v. Gunn*, 64 F.3d 1365, 1368 (9th Cir. 1995).

Garland’s remaining contentions are unpersuasive.

**AFFIRMED.**