

(5) the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(d) INTERVENING PARTIES.—In any action in a district court which is or could have been brought, in whole or in part, under this section, any person with a claim arising from the accident described in subsection (a) shall be permitted to intervene as a party plaintiff in the action, even if that person could not have brought an action in a district court as an original matter.

(e) NOTIFICATION OF JUDICIAL PANEL ON MULTIDISTRICT LITIGATION.—A district court in which an action under this section is pending shall promptly notify the judicial panel on multidistrict litigation of the pendency of the action. (Added Pub. L. 107-273, div. C, title I, § 11020(b)(1)(A), Nov. 2, 2002, 116 Stat. 1826.)

#### EFFECTIVE DATE

Pub. L. 107-273, div. C, title I, § 11020(c), Nov. 2, 2002, 116 Stat. 1829, provided that: “The amendments made by subsection (b) [enacting this section and sections 1697 and 1785 of this title and amending sections 1391 and 1441 of this title] shall apply to a civil action if the accident giving rise to the cause of action occurred on or after the 90th day after the date of the enactment of this Act [Nov. 2, 2002].”

### CHAPTER 87—DISTRICT COURTS; VENUE

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#### AMENDMENTS

2011—Pub. L. 112-63, title II, §§ 201(b), 203, Dec. 7, 2011, 125 Stat. 763, 764, added item 1390 and struck out item 1392 “Defendants or property in different districts in same State”.

1998—Pub. L. 105-304, title V, § 503(c)(3), Oct. 28, 1998, 112 Stat. 2917 inserted “, mask works, and designs” in item 1400.

1996—Pub. L. 104-331, § 3(b)(2)(B), Oct. 26, 1996, 110 Stat. 4069, which directed amendment of table of sections for chapter 37 by adding item 1413 at end, was executed by adding item 1413 at end of table of sections for chapter 87 to reflect the probable intent of Congress.

1988—Pub. L. 100-702, title X, § 1001(a), Nov. 19, 1988, 102 Stat. 4664, struck out item 1393 “Divisions; single defendant; defendants in different divisions”.

1984—Pub. L. 98-353, title I, § 102(b), July 10, 1984, 98 Stat. 335, added items 1408 to 1412.

1978—Pub. L. 95-598, title II, § 240(b), Nov. 6, 1978, 92 Stat. 2668, directed the addition of item 1408, “Bankruptcy appeals”, which amendment did not become effective pursuant to section 402(b) of Pub. L. 95-598, as amended, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

1968—Pub. L. 90-296, § 2, Apr. 29, 1968, 82 Stat. 110, added item 1407.

#### § 1390. Scope

(a) VENUE DEFINED.—As used in this chapter, the term “venue” refers to the geographic specification of the proper court or courts for the litigation of a civil action that is within the subject-matter jurisdiction of the district courts in general, and does not refer to any grant or restriction of subject-matter jurisdiction providing for a civil action to be adjudicated only by the district court for a particular district or districts.

(b) EXCLUSION OF CERTAIN CASES.—Except as otherwise provided by law, this chapter shall not govern the venue of a civil action in which the district court exercises the jurisdiction conferred by section 1333, except that such civil actions may be transferred between district courts as provided in this chapter.

(c) CLARIFICATION REGARDING CASES REMOVED FROM STATE COURTS.—This chapter shall not determine the district court to which a civil action pending in a State court may be removed, but shall govern the transfer of an action so removed as between districts and divisions of the United States district courts.

(Added Pub. L. 112-63, title II, § 201(a), Dec. 7, 2011, 125 Stat. 762.)

#### EFFECTIVE DATE

Pub. L. 112-63, title II, § 205, Dec. 7, 2011, 125 Stat. 764, provided that: “The amendments made by this title [enacting this section, amending sections 1391 and 1404 of this title, and repealing section 1392 of this title]—

“(1) shall take effect upon the expiration of the 30-day period beginning on the date of the enactment of this Act [Dec. 7, 2011]; and

“(2) shall apply to—

“(A) any action that is commenced in a United States district court on or after such effective date; and

“(B) any action that is removed from a State court to a United States district court and that had been commenced, within the meaning of State law, on or after such effective date.”

#### § 1391. Venue generally

(a) APPLICABILITY OF SECTION.—Except as otherwise provided by law—

(1) this section shall govern the venue of all civil actions brought in district courts of the United States; and

(2) the proper venue for a civil action shall be determined without regard to whether the action is local or transitory in nature.

(b) VENUE IN GENERAL.—A civil action may be brought in—

(1) a judicial district in which 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 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.

(c) RESIDENCY.—For all venue purposes—

(1) a natural person, including an alien lawfully admitted for permanent residence in the United States, shall be deemed to reside in the judicial district in which that person is domiciled;

(2) an entity with the capacity to sue and be sued in its common name under applicable law, whether or not incorporated, shall be deemed to reside, if a defendant, in any judicial district in which such defendant is subject to the court's personal jurisdiction with respect to the civil action in question and, if a plaintiff, only in the judicial district in which it maintains its principal place of business; and

(3) a defendant not resident in the United States may be sued in any judicial district, and the joinder of such a defendant shall be disregarded in determining where the action may be brought with respect to other defendants.

(d) RESIDENCY OF CORPORATIONS IN STATES WITH MULTIPLE DISTRICTS.—For purposes of venue under this chapter, in a State which has more than one judicial district and in which a defendant that is a corporation is subject to personal jurisdiction at the time an action is commenced, such corporation shall be deemed to reside in any district in that State within which its contacts would be sufficient to subject it to personal jurisdiction if that district were a separate State, and, if there is no such district, the corporation shall be deemed to reside in the district within which it has the most significant contacts.

(e) ACTIONS WHERE DEFENDANT IS OFFICER OR EMPLOYEE OF THE UNITED STATES.—

(1) IN GENERAL.—A civil action in which a defendant is an officer or employee of the United States or any agency thereof acting in his official capacity or under color of legal authority, or an agency of the United States, or the United States, may, except as otherwise provided by law, be brought in any judicial district in which (A) a defendant in the action resides, (B) a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (C) the plaintiff resides if no real property is involved in the action. Additional persons may be joined as parties to any such action in accordance with the Federal Rules of Civil Procedure and with such other venue requirements as would be applicable if the United States or one of its officers, employees, or agencies were not a party.

(2) SERVICE.—The summons and complaint in such an action shall be served as provided by the Federal Rules of Civil Procedure except that the delivery of the summons and com-

plaint to the officer or agency as required by the rules may be made by certified mail beyond the territorial limits of the district in which the action is brought.

(f) CIVIL ACTIONS AGAINST A FOREIGN STATE.—A civil action against a foreign state as defined in section 1603(a) of this title may be brought—

(1) in any judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated;

(2) in any judicial district in which the vessel or cargo of a foreign state is situated, if the claim is asserted under section 1605(b) of this title;

(3) in any judicial district in which the agency or instrumentality is licensed to do business or is doing business, if the action is brought against an agency or instrumentality of a foreign state as defined in section 1603(b) of this title; or

(4) in the United States District Court for the District of Columbia if the action is brought against a foreign state or political subdivision thereof.

(g) MULTIPARTY, MULTIFORUM LITIGATION.—A civil action in which jurisdiction of the district court is based upon section 1369 of this title may be brought in any district in which any defendant resides or in which a substantial part of the accident giving rise to the action took place.

(June 25, 1948, ch. 646, 62 Stat. 935; Pub. L. 87-748, §2, Oct. 5, 1962, 76 Stat. 744; Pub. L. 88-234, Dec. 23, 1963, 77 Stat. 473; Pub. L. 89-714, §§1, 2, Nov. 2, 1966, 80 Stat. 1111; Pub. L. 94-574, §3, Oct. 21, 1976, 90 Stat. 2721; Pub. L. 94-583, §5, Oct. 21, 1976, 90 Stat. 2897; Pub. L. 100-702, title X, §1013(a), Nov. 19, 1988, 102 Stat. 4669; Pub. L. 101-650, title III, §311, Dec. 1, 1990, 104 Stat. 5114; Pub. L. 102-198, §3, Dec. 9, 1991, 105 Stat. 1623; Pub. L. 102-572, title V, §504, Oct. 29, 1992, 106 Stat. 4513; Pub. L. 104-34, §1, Oct. 3, 1995, 109 Stat. 293; Pub. L. 107-273, div. C, title I, §11020(b)(2), Nov. 2, 2002, 116 Stat. 1827; Pub. L. 112-63, title II, §202, Dec. 7, 2011, 125 Stat. 763.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§111, 112 (Mar. 3, 1911, ch. 231, §§50, 51, 36 Stat. 1101; Sept. 19, 1922, ch. 345, 42 Stat. 849; Mar. 4, 1925, ch. 526, §1, 43 Stat. 1264; Apr. 16, 1936, ch. 230, 49 Stat. 1213).

Section consolidates section 111 of title 28, U.S.C., 1940 ed., with part of section 112 of such title.

The portion of section 112 of title 28, U.S.C., 1940 ed., relating to venue generally constitutes this section and the parts relating to arrest of the defendant, venue and process in stockholders' actions constitute sections 1401, 1693, and 1695 of this title.

Provision in section 111 of title 28, U.S.C., 1940 ed., that a district court may proceed as to parties before it although one or more defendants do not reside in the district, and that its judgment shall be without prejudice to such absent defendants, was omitted as covered by rule 19(b) of the Federal Rules of Civil Procedure.

Word "action" was substituted for "suit" in view of Rule 2 of the Federal Rules of Civil Procedure.

Word "reside" was substituted for "whereof he is an inhabitant" for clarity inasmuch as "inhabitant" and "resident" are synonymous. (See *Ex parte Shaw*, 1892, 12 S.Ct. 935, 145 U.S. 444, 36 L.Ed. 768; *Standard Stoker Co., Inc. v. Lower*, D.C., 1931, 46 F.2d 678; *Edgewater Realty Co.*

*v. Tennessee Coal, Iron & Railroad Co.*, D.C., 1943, 49 F.Supp. 807.)

Reference to “all plaintiffs” and “all defendants” were substituted for references to “the plaintiff” and “the defendant,” in view of many decisions holding that the singular terms were used in a collective sense. (See *Smith v. Lyon*, 1890, 10 S.Ct. 303, 133 U.S. 315, 33 L.Ed. 635; *Hooe v. Jamieson*, 1897, 17 S.Ct. 596, 166 U.S. 395, 41 L.Ed. 1049; and *Fetzer v. Livermore*, D.C., 1926, 15 F.2d 462.)

In subsection (c), references to defendants “found” within a district or voluntarily appearing were omitted. The use of the word “found” made section 111 of title 28, U.S.C., 1940 ed., ambiguous. The argument that an action could be brought in the district where one defendant resided and a nonresident defendant was “found,” was rejected in *Camp v. Gress*, 1919, 39 S.Ct. 478, 250 U.S. 308, 63 L.Ed. 997. However, this ambiguity will be obviated in the future by the omission of such reference.

Subsection (d) of this section is added to give statutory recognition to the weight of authority concerning a rule of venue as to which there has been a sharp conflict of decisions. (See *Sandusky Foundry & Machine Co. v. DeLavand*, 1918, D.C. Ohio, 251 F. 631, 632, and cases cited. See also *Keating v. Pennsylvania Co.*, 1917, D.C. Ohio, 245 F. 155 and cases cited.)

Changes were made in phraseology.

#### REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in subsection (e), are set out in the Appendix to this title.

#### AMENDMENTS

2011—Subsecs. (a) to (d). Pub. L. 112-63, § 202(1), added subsecs. (a) to (d) and struck out former subsecs. (a) to (d) which related to venue when jurisdiction is founded only on diversity of citizenship, when jurisdiction is not founded solely on diversity of citizenship, when a defendant is a corporation, and when an alien is sued, respectively.

Subsec. (e). Pub. L. 112-63, § 202(2), inserted subsec. heading, substituted “(A)”, “(B)”, and “(C)” for “(1)”, “(2)”, and “(3)”, respectively, in first par., designated first and second pars. as pars. (1) and (2), respectively, and inserted par. headings.

Subsec. (f). Pub. L. 112-63, § 202(3), inserted heading.

Subsec. (g). Pub. L. 112-63, § 202(4), inserted heading.

2002—Subsec. (g). Pub. L. 107-273 added subsec. (g).

1995—Subsec. (a)(3). Pub. L. 104-34 substituted “any defendant is” for “the defendants are”.

1992—Subsec. (a)(3). Pub. L. 102-572 inserted before period at end “, if there is no district in which the action may otherwise be brought”.

1991—Subsec. (b). Pub. L. 102-198 substituted “in (1)” for “if (1)”.

1990—Subsec. (a). Pub. L. 101-650, § 311(1), substituted cls. (1) to (3) for “the judicial district where all plaintiffs or all defendants reside, or in which the claim arose”.

Subsec. (b). Pub. L. 101-650, § 311(2), substituted “may, except as otherwise provided by law, be brought only if” and cls. (1) to (3) for “may be brought only in the judicial district where all defendants reside, or in which the claim arose, except as otherwise provided by law”.

Subsec. (e). Pub. L. 101-650, § 311(3), substituted “(2) a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3)” for “or (2) the cause of action arose, or (3) any real property involved in the action is situated, or (4)”.

1988—Subsec. (c). Pub. L. 100-702 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “A corporation may be sued in any judicial district in which it is incorporated or licensed to do business or is doing business, and such judicial district shall be regarded as the residence of such corporation for venue purposes.”

1976—Subsec. (e). Pub. L. 94-574 provided that, in actions against the United States, its agencies, or officers or employees in their official capacities, additional persons may be joined in accordance with the Federal Rules of Civil Procedure and with other venue requirements which would be applicable if the United States, its agencies, or one of its officers or employees were not a party.

Subsec. (f). Pub. L. 94-583 added subsec. (f).

1966—Subsec. (a). Pub. L. 89-714, § 1, authorized a civil action to be brought in the judicial district in which the claim arose.

Subsec. (b). Pub. L. 89-714, § 1, authorized a civil action to be brought in the judicial district in which the claim arose.

Subsec. (f). Pub. L. 89-714, § 2, repealed subsec. (f) which permitted a civil action on a tort claim arising out of the manufacture, assembly, repair, ownership, maintenance, use, or operation of an automobile to be brought in the judicial district wherein the act or omission complained of occurred. Present provisions are now contained in subsecs. (a) and (b) of this section.

1963—Subsec. (f). Pub. L. 88-234 added subsec. (f)

1962—Subsec. (e). Pub. L. 87-748 added subsec. (e).

#### EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 112-63 effective upon the expiration of the 30-day period beginning on Dec. 7, 2011, and applicable to any action commenced in a United States district court on or after such effective date, and to any action removed from a State court to a United States district court that had been commenced, within the meaning of State law, on or after such effective date, see section 205 of Pub. L. 112-63, set out as an Effective Date note under section 1390 of this title.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-273 applicable to a civil action if the accident giving rise to the cause of action occurred on or after the 90th day after Nov. 2, 2002, see section 11020(c) of Pub. L. 107-273, set out as an Effective Date note under section 1369 of this title.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Jan. 1, 1993, see section 1101(a) of Pub. L. 102-572, set out as a note under section 905 of Title 2, The Congress.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Section 1013(b) of title X of Pub. L. 100-702 provided that: “The amendment made by this section [amending this section] takes effect 90 days after the date of enactment of this title [Nov. 19, 1988].”

#### EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-583 effective 90 days after Oct. 21, 1976, see section 8 of Pub. L. 94-583, set out as an Effective Date note under section 1602 of this title.

### **[§ 1392. Repealed. Pub. L. 112-63, § 203, Dec. 7, 2011, 125 Stat. 764]**

Section, act June 25, 1948, ch. 646, 62 Stat. 935; Pub. L. 104-220, § 1, Oct. 1, 1996, 110 Stat. 3023, related to defendants or property in different districts in the same State.

#### EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 112-63 effective upon the expiration of the 30-day period beginning on Dec. 7, 2011, and applicable to any action commenced in a United States district court on or after such effective date, and to any action removed from a State court to a United States district court that had been commenced, within the meaning of State law, on or after such effective date, see section 205 of Pub. L. 112-63, set out as an Effective Date note under section 1390 of this title.