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TITLE 28--JUDICIARY AND JUDICIAL PROCEDURE

PART IV--JURISDICTION AND VENUE

CHAPTER 87--DISTRICT COURTS; VENUE

Sec. 1391. Venue generally

(a) A civil action wherein jurisdiction is founded only on diversity of citizenship may, ex

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cept as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (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) a judicial district in which any defendant is subject to personal jurisdiction at the time the action is commenced, if there is no district in which the action may otherwise be brought.

(b) A civil action wherein jurisdiction is not founded solely on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (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) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

(c) For purposes of venue under this chapter, a defendant that is a corporation shall be deemed to reside in any judicial district in which it is subject to personal jurisdiction at the time the action is commenced. 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.

(d) An alien may be sued in any district.

(e) 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 (1) a defendant in the action resides, (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) 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.

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 complaint 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) 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) 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, Sec. 2, Oct. 5, 1962, 76 Stat. 744; Pub. L. 88-234, Dec. 23, 1963, 77 Stat. 473; Pub. L. 89-714, Secs. 1, 2, Nov. 2, 1966, 80 Stat. 1111; Pub. L. 94-574, Sec. 3, Oct. 21, 1976, 90 Stat. 2721; Pub. L. 94-583, Sec. 5, Oct. 21, 1976, 90 Stat. 2897; Pub. L. 100-702, title X, Sec. 1013(a), Nov. 19, 1988, 102 Stat. 4669; Pub. L. 101-650, title III, Sec. 311, Dec. 1, 1990, 104 Stat. 5114; Pub. L. 102-198, Sec. 3, Dec. 9, 1991, 105 Stat. 1623; Pub. L. 102-572, title V, Sec. 504, Oct. 29, 1992, 106 Stat. 4513; Pub. L. 104-34, Sec. 1, Oct. 3, 1995, 109 Stat. 293; Pub. L. 107-273, div. C, title I, Sec. 11020(b)(2), Nov. 2, 2002, 116 Stat. 1827.)

Historical and Revision Notes

Based on title 28, U.S.C., 1940 ed., Secs. 111, 112 (Mar. 3, 1911, ch. 231, Secs. 50, 51, 36 Stat. 1101; Sept. 19, 1922, ch. 345, 42 Stat. 849; Mar. 4, 1925, ch. 526, Sec. 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 omit

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ted. 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 subsec. (e), are set out in the Appendix to this title.

Amendments

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, Sec. 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, Sec. 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, Sec. 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, Sec. 1, authorized a civil action to be brought in the judicial district in which the claim arose.

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

Subsec. (f). Pub. L. 89-714, Sec. 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 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.