

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

NAOMI CYRUS,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
v.	)	2:18cv654-MHT
	)	(WO)
PEN-TECH ASSOCIATES, INC.,	)	
et al.,	)	
	)	
Defendants.	)	

OPINION AND ORDER

After plaintiff filed this lawsuit in the Circuit Court of Greene County, Alabama, defendants removed the case to this court asserting diversity jurisdiction under 28 U.S.C. § 1332(a)(1). A state-court civil action over which the federal courts have original jurisdiction may be removed "to the district court of the United States for the district and division embracing the place where such action is pending." 28 U.S.C. § 1441(a). Because Greene County is located within the United States District Court for the Northern District of Alabama, this case should have

been removed to that district court, not this one. Accordingly, the court entered an order that the parties file briefs as to whether the court had authority to transfer the case to the Northern District of Alabama. Plaintiff did not respond to the court order, and defendants responded with a motion to transfer the case to the Northern District of Alabama pursuant to 28 U.S.C. § 1406(a). Plaintiff then orally informed the court that she did not object to the transfer.

This case is now before the court on defendants' motion to transfer. Section 1406(a) provides: "The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." Upon consideration of defendants' motion to transfer and memorandum of law, and the authorities cited therein, the court concludes that it has authority to transfer this case to the

Northern District pursuant to 28 U.S.C. § 1406(a), and, particularly given the plaintiff's lack of opposition, that doing so is in the interest of justice.

\* \* \*

Accordingly, it is ORDERED that defendants' motion to transfer (doc. no. 5) is granted, and that this case is transferred to United States District Court for the Northern District of Alabama pursuant to 28 U.S.C. § 1406(a).

The clerk of the court is DIRECTED to take appropriate steps to effect the transfer.

This case is closed in this court.

DONE, this the 27th day of August, 2018.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE