

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

ORLANDO BETHEL, <i>et al.</i> ,)	
)	
PLAINTIFFS,)	
)	
v.)	CASE NO. 2:06-cv-870-MEF
)	
THE CITY OF SELMA, ALABAMA, et al.,)	(WO-Not Intended for Publication)
)	
DEFENDANTS.)	

ORDER

On September 28, 2006, Orlando Bethel and Glynis Bethel filed this *pro se* lawsuit individually and on behalf of three minor children. The suit is brought pursuant to 42 U.S.C. § 1983 for alleged violations of Plaintiffs rights pursuant to the First, Fourth, and Fourteenth Amendments to the United States Constitution. The named Defendants to this action are the City of Selma, Alabama and several police officers of the City of Selma, Alabama.¹ Plaintiffs' Complaint seeks a temporary restraining order, a preliminary injunction, a permanent injunction, injunctive relief, declaratory judgment, and damages. Specifically, Plaintiffs challenge a City of Selma Ordinance as being unconstitutional and complain about their arrest at the hands of the police officers in Selma, Alabama. Upon review of the factual allegations presented in the Complaint, the Court concludes that this case should be transferred to the United States District Court for the Southern District of Alabama pursuant to 28 U.S.C. § 1404.²

¹ These police officers are sued in their individual capacity and in their official capacity as police officers for the City of Selma, Alabama.

² Submitted along with the Plaintiffs' Complaint is a request for paperwork so that the Plaintiffs can seek leave to proceed *in forma pauperis*. This court makes no determination with

DISCUSSION

A civil action filed under authority of 42 U.S.C. § 1983 "may 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 (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought." 28 U.S.C. § 1391(b). However, the law further provides that "[f]or the convenience of parties and witnesses, [and] in the interest of justice, a district court may transfer any civil action to any other district . . . where it might have been brought." 28 U.S.C. § 1404(a).

All of the events or omissions alleged to have given rise to the claims occurred in Selma, Alabama. All individual defendants are alleged to be employed in Selma, Alabama. All records relating to the challenged arrest and to the challenged City of Selma Ordinance are located in Selma. Selma, Alabama is located within the jurisdiction of the United States District Court for the Southern District of Alabama. Thus, the majority of witnesses and evidence associated with this case are located in the Southern District of Alabama. In light of the foregoing, the Court concludes that in the interest of justice and for the convenience of the parties this case should be transferred to the United States District Court for the Southern District of Alabama for hearing and determination.

In light of the foregoing, it is hereby ORDERED that this case be TRANSFERRED to the United States District Court for the Southern District of Alabama pursuant to the

respect to such request as the assessment and collection of any filing fee should be undertaken by the United States District Court for the Southern District of Alabama.

provisions of 28 U.S.C. § 1404.

DONE this the 29th day of September, 2006.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE