

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

ZACHARY BOUVIER TAYLOR,)	
)	
Plaintiff,)	
v.)	CASE NO. 3:05-cv-404-F
)	WO
ELECTRIC MOBILITY CORPORATION,)	
)	
Defendant.)	

ORDER

Consistent with the Order entered April 2, 2003 to restrict the filing of frivolous pro se lawsuits in this Middle District by Zachary B. Taylor (“Taylor”), the court has duly examined the complaint submitted herein by Taylor for filing. In the considered judgment of the court, the pleading is improperly filed in this court as venue plainly does not lie with respect to the diversity contract claims. The civil rights claims premised on 28 U.S.C. § 1343(a) are frivolous as the defendant is a corporation and state action, therefore, is lacking. Consequently, the case should not be permitted to proceed. The court concludes further that the diversity claims should be immediately dismissed without prejudice to permit Taylor to file the complaint in the appropriate district where venue is proper. Dismissal without prejudice is appropriate rather than transfer because this diversity action is premised on contract, and, therefore, the limitations period will not have run. *See* 28 U.S.C. § 1406(a). The federal question claims should be dismissed with prejudice. Accordingly, it is

ORDERED that the claims premised on diversity be and are hereby DISMISSED without prejudice; the federal question claims be and are hereby DISMISSED with prejudice and this case be and is hereby DISMISSED in its entirety.

DONE this 11th day of May, 2005.

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