

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

JAMIE LEAH HOWARD

PLAINTIFF

VS.

3:09CV00108 JTR

MICHAEL J. ASTRUE,
Commissioner, Social
Security Administration,

DEFENDANT

ORDER

On April 5, 2010, the Court entered an Order transferring this case to the Eastern District of Missouri based on the allegation in Plaintiff's Complaint that she was "a resident of Ripley County, of the Southeastern Division of the Eastern District of Missouri." (Docket entry #13). On April 6, 2010, this case was transferred and docketed in the Eastern District of Missouri as *Howard v. Astrue*, E.D. Mo. 1:10CV00054 HEA/FRB.

On April 15, 2010, Plaintiff filed a "Motion for Relief From the Order to Transfer Pursuant to Rule 60(b)(1)." (Docket entry #15). Plaintiff's counsel contends that he made a clerical error in drafting the Complaint and mistakenly alleged Plaintiff's residence within the Eastern District of Missouri, when in fact she resides at 307 C Hwy 63 North, Bono, Arkansas, within the Eastern District of Arkansas. Plaintiff requests "relief" from the Court's transfer Order and indicates that he will file a Motion to amend the Complaint to correctly allege her residence.

This Court lacks jurisdiction to consider Plaintiff's Motion because this case has already been transferred and docketed in the Eastern District of Missouri. Rather than seeking Rule 60 relief from this Court, Plaintiff should promptly request leave to amend his Complaint in *Howard v. Astrue*, E.D. Mo. 1:10CV00054 HEA/FRB, and request that the case be transferred back to the Eastern District of Arkansas.

IT IS THEREFORE ORDERED THAT Plaintiff's Motion for Relief From the Order to Transfer (docket entry #15) is DENIED.

Dated this 21st day of April, 2010.


UNITED STATES MAGISTRATE JUDGE