

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

BRIAN JAMES HICKS,  
ADC #138964

PLAINTIFF

V.

4:11CV00426 SWW/JTR

MILLER COUNTY CORRECTIONAL FACILITY

DEFENDANT

**TRANSFER ORDER**

Plaintiff, Brian James Hicks, is prisoner in the East Arkansas Regional Unit of the Arkansas Department of Correction. He has recently filed a *pro se* § 1983 Complaint alleging that his constitutional rights were violated, in numerous ways, during a criminal investigation that occurred in Miller County, and, thereafter, while he was confined in the Miller County Correctional Facility. *See* docket entry #2.

The federal venue statute provides that, in a case that is not based on diversity jurisdiction, venue is proper in the judicial district where “any defendant resides” or “a substantial part of the events or omissions giving rise to the claim occurred.” *See* 28 U.S.C. § 1391(b).

The events giving rise to this lawsuit occurred in Miller County. The Miller County Correctional Facility, which is the only named Defendant, is in Miller County.

Miller County is located in the Texarkana Division of the United States District

Court for the Western District of Arkansas. The Court concludes that the interest of justice will best be served by transferring the case to that federal court. *See* 28 U.S.C. § 1406(a) (providing that 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”).

IT IS THEREFORE ORDERED THAT this case is IMMEDIATELY TRANSFERRED to the United States District Court for the Western District of Arkansas, Texarkana Division.

Dated this 1<sup>st</sup> day of June, 2011.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE