

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

RICHARD PERCEFULL,  
ADC #148005

PLAINTIFF

V.

5:11CV00271 BRW

BARLY, Lieutenant,  
Malvern Police Department, et al.

DEFENDANTS

**TRANSFER ORDER**

Plaintiff, Richard Percefull, is a prisoner in the Cummins Unit of the Arkansas Department of Correction. He has filed a *pro se* § 1983 Complaint alleging that Defendants violated his constitutional rights, in several respects, during his July 2009 arrest and subsequent prosecution in Hot Spring County for manufacturing marijuana. *See* docket entry #2; *see also Percefull v. State*, \_\_ S.W.3d \_\_ (Ark. App. May 25, 2011) (slip opinion to be published) (affirming Plaintiff’s conviction on appeal).

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). Ten of the eleven Defendants reside in Hot Spring County.<sup>1</sup> Similarly, the events giving rise to Plaintiffs’ claims occurred in Hot Spring County.

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<sup>1</sup> The remaining Defendant, Camden Chief of Police William Okeef, resides in Ouachita County, which is in the Western District of Arkansas.

Hot Spring County is located in the Hot Springs 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 hereby IMMEDIATELY TRANSFERRED to the United States District Court for the Western District of Arkansas, Hot Springs Division.

Dated this 25<sup>th</sup> day of October, 2011.

/s /Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE