

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

JESSIE CARTER

PLAINTIFF

vs.

Civil No. 1:18-cv-01004

USDA and its representatives in their official
capacity at the USDA

DEFENDANT

TRANSFER ORDER

Plaintiff Jessie Carter has filed a Complaint against the USDA and its representatives. ECF No. 1. On April 9, 2018, Plaintiff filed his Motion to Change Venue. ECF No. 16. The Defendant has not responded to this Motion. The Motion to Change Venue was referred to the undersigned for decision pursuant to 28 U.S.C. § 636(b)(1)(A) and Local Rule 72.1 by United States District Judge Susan O. Hickey. ECF No. 17.

Pursuant to 28 U.S.C. § 1391(e), venue is proper in a case such as this “where defendant is [an] officer or employee of the United States” either where (1) “a defendant in the action resides,” (2) “a substantial part of the events or omissions giving rise to the claim occurred,” or (3) “the plaintiff resides if no real property is involved in the action.” Here, there has been no demonstration any defendant resides in the Western District of Arkansas, and there has also been no demonstration “a substantial part of the events or omissions giving rise to the claim occurred” in the Western District of Arkansas.

However, Plaintiff is a citizen and resident of Dallas County, Arkansas. ECF No. 1. There is “no real property . . . involved in the action.” The Eastern District of Arkansas hears cases arising in Dallas County, Arkansas. Accordingly, the Court **GRANTS** Plaintiff’s Motion to Change Venue (ECF No. 16), and the Clerk of the Court is directed to transfer immediately and without delay

Plaintiff's action and entire case file to the United States District Court for the Eastern District of Arkansas pursuant to 28 U.S.C. § 1404(a).

IT IS SO ORDERED this 26th day of April 2018.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
U.S. MAGISTRATE JUDGE