

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

LISA D. GOOCH

PLAINTIFF

v.

Civil No. 06-2207

MICHAEL J. ASTRUE, Commissioner of  
Social Security Administration

DEFENDANT

**ORDER**

On December 28, 2006, Plaintiff filed a Complaint pursuant to 42 U.S.C. § 405(g) seeking judicial review of a decision of the Commissioner of the Social Security Administration. ECF No. 1. In Plaintiff's Complaint, she stated her residence as Danville, Arkansas, which is located in Yell County. ECF No. 1. Yell County is under the jurisdiction of the Eastern District of Arkansas. However, the issue was never raised by either party and the case was ultimately remanded to the Commissioner for further consideration pursuant to sentence six of 42 U.S.C. § 405(g). ECF No. 14.

Subsequently, a new unfavorable administrative decision was issued on remand. This time, Plaintiff filed a new complaint in the Eastern District of Arkansas, Case No. 4:11cv778-BSM-JTK, appealing the unfavorable decision. On January 5, 2012, the Commissioner filed a motion in this court seeking a transfer of venue pursuant to Federal Rule of Civil Procedure 12(b)(3) and 28 U.S.C. § 1406(a). ECF Nos. 15, 16. In the Commissioner's brief, he states that Plaintiff's attorney has been contacted and agrees with the transfer request. ECF No. 16 at 2-3. To avoid confusion, the court is interpreting the Commissioner's request as a motion to reopen this action for the limited purpose of transferring the case.

A Plaintiff's action seeking judicial review of the Commissioner's decision "shall be brought in the district court of the United States for the judicial district in which the plaintiff resides[.]" 42 U.S.C. § 405(g). Since Plaintiff resides in Yell County, Arkansas, venue properly lies in the Eastern District of Arkansas. As such, the court finds that the interests of justice would best be served by transferring the present action to the United States District Court for the Eastern District of Arkansas. Upon transfer, this case should be consolidated with Case No. 4:11cv778-BSM-JTK.

Accordingly, the Commissioner's Motion to Transfer is GRANTED.

IT IS SO ORDERED on this 6<sup>th</sup> day of January 2012.

*/s/ J. Marschewski*

HONORABLE JAMES R. MARSCHEWSKI  
CHIEF UNITED STATES MAGISTRATE JUDGE