

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

JERRY BARNER
ADC #600763

PLAINTIFF

v.

NO: 4:08CV02094 JLH/HDY

DAVID SPICER

DEFENDANT

ORDER

Plaintiff has submitted this 42 U.S.C. §1983 case for filing in this district. However, from the facts alleged and the Defendant named, it appears that venue properly lies in the Western District of Arkansas. 28 U.S.C. §1391(b). Accordingly, the Court finds that the interests of justice would best be served by transferring this case to the United States District Court for the Western District of Arkansas. 28 U.S.C. § 1406(a).¹

IT IS THEREFORE ORDERED THAT the Clerk of the Court is directed to IMMEDIATELY TRANSFER PLAINTIFF'S ENTIRE CASE FILE to the United States District Court for the Western District of Arkansas.

DATED this 19th day of September, 2008.


UNITED STATES DISTRICT JUDGE

¹“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.” *Id.*