

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

RODNEY JO HAAG, ADC #141760

PLAINTIFF

v.

No. 4:10CV01971 JLH/JJV

DANIEL SHUE, Prosecuting Attorney,
Sebastian County, Arkansas

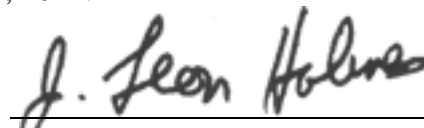
DEFENDANT

ORDER

Rodney Jo Haag brings this action pursuant to 42 U.S.C. § 1983 against Daniel Shue, Prosecuting Attorney for Sebastian County, Arkansas, relating to Shue’s handling of a matter in the Circuit Court of Sebastian County, Arkansas. It appears from the complaint that the defendant resides in Sebastian County and that the events that give rise to the claim occurred in Sebastian County. According to 28 U.S.C. § 1391(b), venue in a civil action brought under a federal statute lies in the judicial district in which the defendant resides or a judicial district in which a substantial part of the events that give rise to the claim occurred. Sebastian County is in the Western District of Arkansas, not the Eastern District of Arkansas. *See* 28 U.S.C. § 83(b)(3). Therefore, venue for this matter lies in the Western District of Arkansas, not the Eastern District of Arkansas. According to 28 U.S.C. § 1406(a), the district court in which a case is filed laying venue in the wrong district may dismiss the case or, if it is in the interest of justice, transfer it to a district in which venue is proper.

The Court therefore orders the Clerk to transfer this action to the Western District of Arkansas and to do so immediately.

IT IS SO ORDERED this 5th day of January, 2011.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE