

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

WILLIAM F. CARADINE/ASSABUR
ADC #90785

PLAINTIFF

V.

4:10CV01966 SWW

SEBASTIAN COUNTY CIRCUIT COURT;
JOHN JOPLIN, Public Defender,
Sebastian County; and
MICHEAL WAGONER, Prosecutor,
Sebastian County

DEFENDANTS

TRANSFER ORDER

Plaintiff, William F. Caradine/Assabur, who is a prisoner in the Varner Super Max Unit of the Arkansas Department of Correction, has filed a *pro se* § 1983 Complaint alleging that Defendants violated his constitutional rights in connection with several criminal convictions he received in Sebastain County, Arkansas in May of 2010. *See* docket entry #2.

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). Both of the Defendants in this action reside in Sebastian County. Similarly, the events giving rise to Plaintiff’s claims occurred in Sebastian County.

Sebastian County is located in the Fort Smith 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, Forth Smith Division.

Dated this 12th day of January, 2011.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE