

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

FREDERICK BANKS

PLAINTIFF

V.

CASE NO. 5:15-CV-05131

TIMOTHY PIVNICHNY, et al.

DEFENDANTS

ORDER

The Court is in receipt of Plaintiff's Complaint, filed *pro se* on June 9, 2015, against more than 50 separate Defendants. The Court has reviewed the Complaint *sua sponte* and can find no factual or legal basis to justify proper venue in the Western District of Arkansas.

Venue is generally governed by 28 U.S.C. § 1391, which provides in section (b):

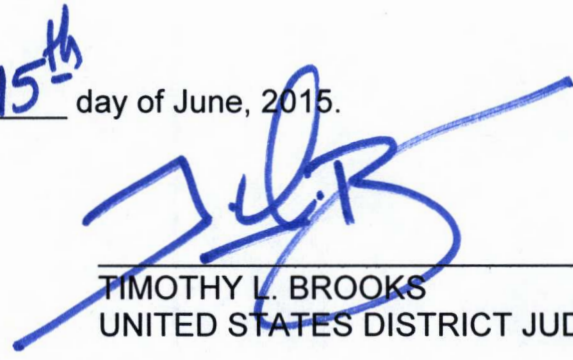
A civil action wherein jurisdiction is not founded solely on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

From the face of the Complaint, venue is improper in the Western District of Arkansas. This case alleges claims for relief pursuant to 42 U.S.C. § 1983; however, none of the facts in the Complaint mention locations in this District, nor do any of the parties apparently reside in this District.

Pursuant to 28 U.S.C. § 1406(a), if a case is filed "laying venue in the wrong division or district," the district court "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 the case be **DISMISSED WITHOUT PREJUDICE** for improper venue, and all pending Motions are accordingly **DENIED AS MOOT**.

IT IS SO ORDERED this 15th day of June, 2015.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE