

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00964-BNB

TOMMY SMITH,

Plaintiff,

v.

TIMOTHY LYDEN,  
TAMMY ANDING,  
JOE DRIVER, and  
G.E.O. CORR. OF AMERICA,

Defendants.

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ORDER

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Plaintiff, Tommy Smith, is a prisoner in the custody of the Alaska Department of Corrections and currently is incarcerated at a private correctional facility in Hudson, Colorado. At issue is the Motion to Change Venue to the Eastern District of California, ECF No. 11, that Plaintiff filed on May 22, 2013. Under 28 U.S.C. § 1404 a transfer of a case to a different federal court is within the sound judicial discretion of a trial judge. *Stewart Organization, Inc. v. Ricoh Corp.*, 487 U.S. 22, 29 (1988); *Texas E. Transmission Corp. v. Marine Office-Appleton & Cox Corp.*, 579 F.2d 561, 567 (10th Cir. 1978). Nothing in Plaintiff's Motion justifies a transfer of this case under § 1404. Accordingly, it is

ORDERED that Plaintiff's Motion to Change Venue to the Eastern District of California, ECF No. 11, is denied.

DATED May 23, 2013, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge