

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

MATTHEW JONES,

Plaintiff,

- v -

Civ. No. 1:17-CV-623
(BKS/DJS)

DR. FREDERICK V. BAUER, *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

MATTHEW JONES
11366 Sussex Highway
Greenwood, DE 19950

DANIEL J. STEWART
United States Magistrate Judge

DECISION and ORDER

The Clerk of the Court has sent *pro se* Plaintiff Matthew Jones's Complaint, Motion for Leave to Proceed *In Forma Pauperis* ("IFP"), and what has been construed as a Motion to Change Venue to the Court for its review. *See* Dkt. Nos. 1, Compl., 2, IFP App, & 7, Mot. By this action, Plaintiff asserts that the Defendants violated his rights in various ways. For a complete statement of Plaintiff's claims, reference is made to the Complaint.

When a case is filed in a district in which venue is improper, the court shall dismiss the case "or if it be in the interests of justice, transfer such case to any district . . . in which it could have been brought." 28 U.S.C. § 1406(a). All of the events giving rise to Plaintiff's claims appear to have occurred, if at all, in the State of Delaware, which is comprised of one judicial district. *See* 28 U.S.C. § 87. Indeed, this case has no apparent connection to the Northern District of New York.

Based upon the foregoing, the Court finds that venue of Plaintiff's action is not proper in this

District and thus **denies** Plaintiff's request to "change venue" to this District. The Court further determines that it is in the interest of justice that this action be transferred to the District of Delaware. 28 U.S.C. § 1406(a). The Court makes no ruling as to the sufficiency of Plaintiff's pleadings nor the merits of his IFP Application, thereby leaving those determinations to the District of Delaware.

WHEREFORE, it is hereby

ORDERED, that Plaintiff's Motion to Change Venue (Dkt. No. 3) in order to have venue deemed appropriate in this judicial district is **DENIED**; and it is further

ORDERED, that pursuant to 28 U.S.C. § 1406(a), this action be transferred to the United States District Court for the District of Delaware; and it is further

ORDERED, that the Clerk of the Court advise the Clerk of the District of Delaware of the entry of this Decision and Order and provide all information necessary for the Clerk of the District of Delaware to electronically access the documents filed in this action. The Court hereby waives the fourteen (14) day waiting period provided for in Local Rule 83.6; and it is further

ORDERED, that the Clerk shall serve a copy of this Decision and Order on the Plaintiff.

IT IS SO ORDERED.

Date: July 21, 2017
Albany, New York



Daniel J. Stewart
U.S. Magistrate Judge