

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 10-21948-CIV-GOLD/WHITE

PRESSLEY B. ALSTON,

Plaintiff,

v.

FRANK TASSONE, JR.,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS  
AS TO TRANSFER TO CORRECT VENUE [DE 5]: DIRECTING CLERK TO  
TRANSFER ACTION ; closing case (RB)

THIS CAUSE is before the Court upon Magistrate Judge White's Report and Recommendations ("the Report") [DE 5] on Plaintiff's motion to proceed *in forma pauperis* status [DE 4]. No objections were timely filed.

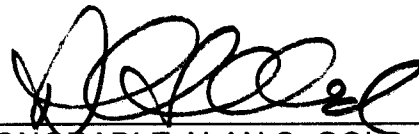
On June 14, 2010, Plaintiff filed a *pro se* § 1983 complaint alleging that he received ineffective assistance of counsel in the Fourth Judicial Circuit Court in Jacksonville, Florida [DE 1]. As Judge White correctly noted, the appropriate venue provision in this case is 28 U.S.C. § 1391(b), which provides, in relevant part, that a case "not based on diversity of citizenship should be brought in the judicial district where any defendant resides or where a substantial part of the events or omissions giving rise to the claim occurred or a substantial party of property that is the subject of the action is situated." Here, there is no indication where the defendant resides, and the events/omissions giving rise to Plaintiff's claim took place in the Middle District of Florida. Thus, I agree with Judge White's recommendation that this case should be transferred to the United States District Court for the Middle District of Florida, pursuant to 28 U.S.C. § 1406(a). Accordingly, it is hereby

ORDERED AND ADJUDGED:

1. The Report [DE 5] is AFFIRMED AND ADOPTED IN PART.
2. The Clerk is directed to TRANSFER this action to the Middle District of Florida.
3. Plaintiff's motion for *in forma pauperis* status [DE 4] is dismissed as moot for purposes of the Southern District of Florida.

4. *THIS CASE IS CLOSED.*   
DONE AND ORDERED in Chambers at the United States District Courthouse,

Miami, Florida, this 20 day of July, 2010.



THE HONORABLE ALAN S. GOLD  
UNITED STATES DISTRICT COURT JUDGE

cc:  
Magistrate Judge Patrick A. White  
All Counsel of Record

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