

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF GEORGIA**  
**SAVANNAH DIVISION**

KRYSTAL GAIL STREET,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CV414-210
	)	
STATE OF GEORGIA,	)	
	)	
Defendant. <sup>1</sup>	)	

**ORDER**

Before the Court is Krystal Gail Street’s petition for writ of mandamus, which challenges multiple aspects of an ongoing state criminal proceeding against her for shoplifting. (Doc. 1 at 2.) Regardless of the propriety of the petition,<sup>2</sup> she has filed suit in the wrong court. While she resides within the Southern District of Georgia, she seeks to

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<sup>1</sup> She captioned the complaint as “State of Georgia” versus “Krystal Gail Street,” and she added her state criminal case number. (Doc. 1 at 1.) This Court’s Clerk properly reversed the caption order since mandamus is an ancillary civil matter and Gail is the petitioner. This is not a continuation of her criminal proceedings.

<sup>2</sup> Coming to federal court instead of invoking and completing available state appellate remedies is a mistake. *See generally*, 17B CHARLES ALAN WRIGHT ET AL., FEDERAL PRACTICE & PROCEDURE § 4252 (2008) (“The core of the rule laid down in *Younger v. Harris*, [401 U.S. 37 (1971),] and the other cases defining the doctrine of ‘Our Federalism’ is that a federal court, in the absence of unusual circumstances, cannot interfere with a pending state criminal prosecution”) (footnotes omitted).

compel the Clerk of the Superior Court of Henry County, Georgia to dismiss the criminal case against her. (*Id.* at 2.) The alleged criminal activity also took place in Henry County, which lies within the jurisdiction of the United States District Court for the Northern District of Georgia. *See* 28 U.S.C. § 90(a)(2) (Henry County lies within the Northern District's Atlanta Division). Street's case must be transferred to the Northern District of Georgia. 28 U.S.C. § 1391 (venue); 28 U.S.C. § 1406 (permitting district courts to dismiss or transfer cases suffering from venue defects). Accordingly, the Clerk is **DIRECTED** to transfer this case to the United States District Court for the Northern District of Georgia for all further proceedings.

**SO ORDERED** this 24<sup>th</sup> day of September, 2014.

  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA