

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

JAHZIEL PINEIRO,

Plaintiff

VS.

UNITED STATES DEPT. OF JUSTICE,
et al.,

Defendants

NO. 5:06-CV-88(WDO)

ORDER OF TRANSFER

Plaintiff **JAHZIEL PINEIRO** is a federal inmate in the custody of the Bureau of Prisons. At the time of the incident underlying the complaint in this case, plaintiff was confined at the Federal Correctional Institution in Jesup, Georgia. Plaintiff brings this action alleging that the defendants violated his rights under the Eighth Amendment when they failed to protect him from an attack by another inmate on April 30, 2005. *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 397 (1971). He also appears to assert a claim under the Federal Tort Claims Act, 28 U.S.C. §§ 2671 *et seq.*

The Middle District of Georgia does not appear to be the appropriate court in which to file the instant action. Although the United States Department of Justice and the Bureau of Prisons are situated throughout the State of Georgia, all of the actions about which plaintiff complains are alleged to have occurred in Jesup, Georgia. Jesup is located in the Southern District of Georgia. 28 U.S.C. § 90(c)(2). Pursuant to 28 U.S.C. § 1404(a), a district court may,

in the interest of justice, transfer a civil action filed in the wrong district. Because it appears that this action should have been filed in the Southern District of Georgia, transfer to that district is appropriate.

Accordingly, the Court **DIRECTS** the Clerk of the Court to **TRANSFER** this action to the United States District Court for the Southern District of Georgia.

SO ORDERED, this 23rd day of MARCH, 2006.



A handwritten signature in black ink, reading "Claude W. Hicks, Jr." in a cursive style.

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE