

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

JASON BURKETT,)
vs.)
LYNNE WICKER, et al.,)
vs.)
Plaintiff,) 1:06-cv-0015-JDT-WTL
vs.)
Defendant.)

Order Transferring Action to Northern District of Indiana

The plaintiff has commenced an action against individuals associated with the delivery of medical care to the plaintiff while he was confined in Cass County, Indiana, either at the Cass County Jail or at the Logansport State Hospital. The Jail itself is a defendant, as is the Governor of the State of Indiana. The plaintiff seeks compensatory and punitive damages. Cass County is located in the Northern District of Indiana.

When jurisdiction is not founded solely on diversity, venue is proper only in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1331(b). Here, the acts the plaintiff alleges in support of his claim took place in the Northern District. The claim against the Governor could be asserted in an action in the Northern District. The evidence lies in the Northern District. Another statute, 28 U.S.C. § 1404, provides: "For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought." Under these circumstances, the better venue for the action is the Northern District of Indiana.

Accordingly, and without acting on the plaintiff's request to proceed *in forma pauperis*, the above action is now **TRANSFERRED** to the United States District Court for the Northern District of Indiana at South Bend, Indiana.

IT IS SO ORDERED.



John Daniel Tinder, Judge
United States District Court

Date: 01/06/2006

Copies to:

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