

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

ARTHUR CARTER, )  
vs. Plaintiff, ) 1:06-CV-421-JDT- TAB  
JOHN LONERGAN, )  
Defendant. )

**Order Transferring Action to the Central District of Illinois**

The plaintiff has commenced an action against the attorney who represented the plaintiff at various points in a criminal action in the Central District of Illinois in a proceeding docketed there as No. 1:01-cr-10041-MMM-1. The plaintiff seeks compensatory and punitive damages. He alleges that he is a citizen of the State of Indiana and that the defendant is a citizen of the State of Illinois. He claims that this court has subject matter jurisdiction over his claims by virtue of its diversity jurisdiction, conferred by 28 U.S.C. § 1332(a)(1).

Under 28 U.S.C. § 1333(a), venue will lie in a diversity action "only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the acts 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) a judicial district in which any defendant is subject to personal jurisdiction at the time the action is commenced, if there is no district in which the action may otherwise be brought." When venue is improper, the district court has the discretion to either dismiss the case or transfer it "in the interest of justice." 28 U.S.C. § 1406(a).

Here, the acts the plaintiff alleges in support of his claim took place in the Central District of Illinois and the defendant is located within that District. Under these circumstances, the proper venue for plaintiff's action is the Central District of Illinois.

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 Central District of Illinois at Peoria, Illinois.

**IT IS SO ORDERED.**



John Daniel Tinder, Judge  
United States District Court

Date: 03/20/2006

Distribution:

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