

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

WILSON EGWUENU,)	
)	
Plaintiff,)	
v.)	No. 1:09-cv-370-DFH-DML
)	
ERIC HOLDER, et al.,)	
)	
Defendants.)	

**Order Dismissing Attorney General Eric Holder as Defendant
and Transferring Action to Central District of Illinois**

The court, having considered the plaintiff's response to directions issued in the Entry of May 20, 2009, and being duly advised, now makes the following rulings:

1. "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009). Because no such claim is asserted in either the complaint or the supplemental filing of June 18, 2009, the claim against United States Attorney General Eric Holder for mandamus relief is **dismissed**. *Hoskins v. Poelstra*, 320 F.3d 761, 762 (7th Cir. 2003) ("District judges have ample authority to dismiss frivolous or transparently defective suits spontaneously, and thus save everyone time and legal expense.") (citing *Rowe v. Shake*, 196 F.3d 778, 783 (7th Cir. 1999)); *Iddir v. I.N.S.*, 301 F.3d 492, 499 (7th Cir. 2002) ("Mandamus relief will be granted if the plaintiff can demonstrate that the three enumerated conditions are present: (1) a clear right to the relief sought; (2) that the defendant has a duty to do the act in question; and (3) no other adequate remedy is available.") (citing *Scalise v. Thornburgh*, 891 F.2d 640, 648 (7th Cir. 1989)).

2. No partial final judgment shall issue at this time as to the claim resolved in paragraph 1 of this Entry.

3. Finding that the remaining claim is asserted against the Urbana (Illinois) Police Department, considering the information related in Part II of the Entry of May 20, 2009, the plaintiff's residence does not present proper venue for the action. Accordingly, pursuant to 28 U.S.C. § 1404, this action shall be **transferred** to the United States District Court for the Central District of Illinois.

So ordered.



DAVID F. HAMILTON, CHIEF JUDGE
United States District Court
Southern District of Indiana

Date: July 1, 2009

Distribution:

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