

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

CARL WILLIAM DUNCAN,

Plaintiff,

vs.

IOWA MEDICAL AND
CLASSIFICATION CENTER, STORY
COUNTY JAIL,

Defendants.

No. C14-0120-LRR

ORDER TRANSFERRING CASE

This matter is before the court pursuant to the plaintiff's complaint, application to proceed in forma pauperis and application for appointment of counsel. The clerk's office received those documents on November 7, 2014.

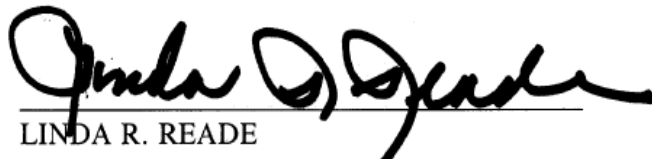
The complaint is brought under 42 U.S.C. § 1983, and jurisdiction is predicated on 28 U.S.C. § 1343. The defendants are located in the Southern District of Iowa and the events giving rise to the plaintiff's claims arose in the Southern District of Iowa. Venue in this district is not proper because the defendants are not located in the Northern District of Iowa and the events giving rise to the plaintiff's claims did not occur in the Northern District of Iowa. *See* 28 U.S.C. § 1391. Nevertheless, venue is proper in the Southern District of Iowa because the defendants are located in that district and the plaintiff's claims arose there. *Id.* In the interest of justice, this case shall be transferred forthwith to the United States District Court for the Southern District of Iowa. *See* 28 U.S.C. § 1404(a); 28 U.S.C. § 1406(a). The clerk's office shall file the complaint without the prepayment of fees and costs for the purpose of transferring the case, retain a copy of the file and send the entire file to the Southern District at Des Moines.

By this order, the court expresses no opinion as to whether the complaint is frivolous within the meaning of 28 U.S.C. § 1915(e)(2) or 28 U.S.C. § 1915A(b) or whether the plaintiff is entitled to in forma pauperis status or appointment of counsel.

IT IS THEREFORE ORDERED:

- (1) The clerk's office is directed to transfer this action to the United States District Court for the Southern District of Iowa.
- (2) The clerk's office is directed to file the complaint without the prepayment of fees and costs for the purpose of transferring the case, retain a copy of the file and send the entire file to the Southern District at Des Moines.

DATED this 3rd day of December, 2014.


LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA