

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

SD FERTILIZER, LLC, *dba*  
CONSUMER SERVICE COMPANY,

Plaintiff,

vs.

FERTILIZER EQUIPMENT  
SPECIALISTS, INC.,

Defendant and Third-Party  
Plaintiff.

vs.

MID-SOUTH AG-SOUTHEAST AG  
EQUIPMENT, INC., *et al.*,

Third-Party Defendants.

No. C06-3077-MWB

**ORDER**

This case was commenced originally in the District Court of Adams County, Nebraska. On November 20, 2006, Defendant and Third-Party Plaintiff Fertilizer Equipment Specialists, Inc. ("FES") removed the case to this court. FES now asks that the case be transferred to the United States District Court for the District of Nebraska.

It is obvious that this case was removed to this court in error. "[A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to the district court of the United States for the district and division embracing the place where such action is

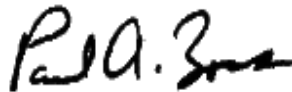
pending.” 28 U.S.C. § 1441(a). Thus, the case should have been removed to the Nebraska federal court instead of to this district.

If a case in federal court is filed in the wrong district, the court may dismiss the case, or “if it be in the interests of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). Here, the interests of justice require that the case be transferred to Nebraska rather than be dismissed.

For these reasons, the motion (Doc, No. 8) is **granted**, and this case is transferred to the United States District Court for the District of Nebraska.

**IT IS SO ORDERED.**

**DATED** this 6th day of December, 2006.



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PAUL A. ZOSS  
MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT