

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**FILED**

APR 10 2006

By Ralph DeLoach Clerk  
Deputy

JOE LOUIS SIMPKINS, II, Inmate )  
#06266-045, )

Plaintiff, )

vs. )

UNITED STATES OF AMERICA, et al., )

Defendants. )

CIVIL NO. 06-246-DRH

06 3105 SAC

**MEMORANDUM AND ORDER**

**HERNDON, District Judge:**

This cause is before the Court on Plaintiff's motion to proceed *in forma pauperis*. Plaintiff, an inmate in the United States Penitentiary in Marion, Illinois, brings this action for alleged violations of his constitutional rights by persons acting under the color of federal authority. See *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971).

A civil action wherein jurisdiction is not founded solely on diversity of citizenship may, except as otherwise provided by law, be brought 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 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) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

28 U.S.C. § 1391(b).

At the time of the alleged events, Plaintiff was incarcerated in the United States Penitentiary in Leavenworth, Kansas, situated in the federal judicial district for the District of Kansas. 28 U.S.C. § 96. The Court finds that the District of Kansas is the appropriate forum for the hearing and determination of this civil rights action because all Defendants are located there and all the alleged

events took place there. Pursuant to 28 U.S.C. § 1404(a), and on the Court's own motion,

**IT IS THEREFORE ORDERED** that this action is **TRANSFERRED** to the United States District Court for the District of Kansas for a determination as to whether Plaintiff should be granted leave to proceed *in forma pauperis*, 28 U.S.C. § 1915, and such further proceedings as that court may deem appropriate. No summons shall issue in this action unless so directed by the transferee court.

**IT IS SO ORDERED.**

**DATED:** March 31, 2006.

/s/ David RHerndon  
**DISTRICT JUDGE**