

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

EDGAR TIEDEMANN,

Plaintiff,

vs.

CIVIL ACTION  
No. 09-3231-SAC

CHURCH OF JESUS CHRIST OF  
LATTER DAY SAINTS,

Defendant.

ORDER

This matter comes before the court on a civil action filed by a Utah prisoner. Plaintiff proceeds pro se and seeks leave to proceed in forma pauperis. The defendants are identified as a church in Salt Lake City, Utah, and its leader. There is no reference in the materials submitted with the complaint that suggests any act related to the claims took place in the District of Kansas.

While jurisdictional defects based upon a suit being filed in the wrong federal district may be corrected by a transfer pursuant to 28 U.S.C. § 1631, such a transfer should be ordered only "if it is in the interest of justice." 28 U.S.C. § 1631. See *Trujillo v. Williams*, 465 F.3d 1210, 1222 (10<sup>th</sup> Cir.

2006)(interpreting statute "to grant the district court discretion in making a decision to transfer an action....")

Accordingly, the court has considered the claims in this action. Plaintiff broadly alleges the defendant church has bilked unnamed individuals, the "spiritual poor", Doc. 1, p. 3, into paying tithes. He seeks damages of billions of dollars, apparently in order to bankrupt the church.

This claim is legally frivolous. Plaintiff identifies no act or omission that arguably gives rise to a claim for relief, nor does he identify any protected right that is implicated by his allegations. The court finds no grounds to conclude that the transfer of this matter to the District of Utah would be in the interests of justice and concludes the matter should be summarily dismissed.

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed for failure to state a claim upon which relief may be granted.

IT IS FURTHER ORDERED plaintiff's motions for leave to proceed in forma pauperis (Doc. 2) and for the appointment of counsel (Doc. 4) are denied.

A copy of this order shall be transmitted to the plaintiff.

**IT IS SO ORDERED.**

Dated at Topeka, Kansas, this 12<sup>th</sup> day of November 2009.

S/ Sam A. Crow  
SAM A. CROW  
United States Senior District Judge