

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

ALLEN DEAN WASHBURN,

Plaintiff,

v.

CASE NO. 18-3001-SAC

BATES COUNTY JAIL,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court on a civil rights complaint filed under 42 U.S.C. § 1983 by a prisoner. Plaintiff proceeds pro se and seeks leave to proceed in forma pauperis.

The complaint identifies the defendants as "Bates County, Butler Missouri County Jail Administration/Employees" (Doc. #1, p. 1). The defendants are employed at a Missouri jail and the events giving rise to plaintiff's claims occurred there.

Under 28 U.S.C. § 1391(b):

A civil action may be brought in -

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

(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...

28 U.S.C. § 1391(b) (1)-(2).

Accordingly, venue is proper in Missouri under 28 U.S.C. §1391(b). In fact, it appears that plaintiff intended to submit this action to a federal court in Missouri, as the caption of the form

pleading he submitted is filled in to identify the "District of Missouri". Accordingly, the Court will direct the Clerk of the Court to transfer this matter to the United States District Court for the Western District of Missouri.

IT IS, THEREFORE, BY THE COURT ORDERED plaintiff's motions to proceed in forma pauperis (Docs. #2 and #4) are provisionally granted.

IT IS FURTHER ORDERED the Clerk of the Court shall transfer this action to the United States District Court for the Western District of Missouri.

IT IS SO ORDERED.

DATED: This 30th day of January, 2018, at Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge