

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

CIVIL ACTION NO. 3:07CV-572-H

MARCUS STONER

PLAINTIFF

V.

DANIEL WILLS, et al.

DEFENDANTS

MEMORANDUM OPINION AND ORDER

Defendants have moved to dismiss the claims against them. The City of Shelbyville moved to dismiss on the grounds that the complaint has not stated a cause of action against it. The individual Defendants moved to dismiss on the grounds that venue is improper due to Plaintiff's residence in Shelby County, Kentucky.

After reviewing the complaint, the Court finds that it fails to state a valid cause of action against the City of Shelbyville, because it does not state any specific action by the City nor any policy of the City which caused Plaintiff's injuries.

Plaintiff responded to the motion to dismiss the individual Defendants by suggesting transfer of the case to the United States District Court for the Eastern District of Kentucky. In view of Plaintiff's residence in Shelby County within the Eastern District, such request seems appropriate. *See* 28 U.S.C. § 1391.

Being otherwise sufficiently advised,

IT IS HEREBY ORDERED that the motion to dismiss of the City of Shelbyville is SUSTAINED and the claims against the City are DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that the remainder of Plaintiff's claims against the individual Defendants are TRANSFERRED to the United States District Court for the Eastern District of Kentucky.

cc: Marcus Stoner, *Pro Se*
Counsel of Record