

 ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED

MAY 19 2005
CLERK'S OFFICE
U. S. DISTRICT COURT
EASTERN MICHIGAN

AUBREY VERNELL HAYNES, #186180,

Plaintiff,

v.

CIVIL NO. 05-CV-71768-DT
HONORABLE VICTORIA A. ROBERTS



JENNIFER GRANHOLM, et al.,

Defendants.

FILE
MAY 19 2005

CLERK'S OFFICE
DETROIT

ORDER TRANSFERRING CASE

Before the Court is Plaintiff Aubrey Haynes' *pro se* civil rights complaint brought pursuant to 42 U.S.C. § 1983. Plaintiff is a Michigan prisoner currently confined at the Baraga Maximum Correctional Facility in Baraga, Michigan. Defendants are Governor Jennifer Granholm, Michigan Department of Corrections Director Patricia Caruso and Legal Litigator Jim Armstrong, and various corrections personnel employed at the Baraga Facility.

The proper venue for civil actions in which jurisdiction is not based on diversity of citizenship is the judicial district where: (1) any defendant resides if all defendants reside in the same state; (2) a substantial part of the events or omissions giving rise to the claim occurred or a substantial part of the property in question is situated; or (3) any defendant may be found if there is no other district in which plaintiff may bring the action. See 28 U.S.C. § 1391(b). Public officials "reside" in the county where they serve. See *O'Neill v. Battisti*, 472 F.2d 789, 791 (6TH Cir. 1972). Additionally, pursuant to 28 U.S.C. § 1404(a), a district court may transfer a civil action to any other district where it might have been brought for the convenience of the parties and witnesses in the interest of justice.

In this case, defendants Granholm, Caruso, and Armstrong reside in Ingham County, which lies in the Southern Division of the Western District of Michigan. See 28 U.S.C. § 102(b). The remaining defendants reside in Baraga County, which lies in the Northern Division of the Western District of Michigan. *Id.* Plaintiff is also currently confined in Baraga County. The Court finds that this action could be more conveniently and efficiently adjudicated in the Western District of Michigan.

Accordingly, the Court **ORDERS** the Clerk of the Court to transfer this case to the United States District Court for the Western District of Michigan. See 28 U.S.C. §§ 1391(b) and 1404(a).



VICTORIA A. ROBERTS
UNITED STATES DISTRICT JUDGE

DATED: MAY 19 2005