

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WARDELL D. HAYES,

Plaintiff,

Case No. 1:12-cv-411

v.

Honorable Robert J. Jonker

SAGINAW COUNTY JAIL et al.,

Defendants.

ORDER OF TRANSFER

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983.

Plaintiff presently is incarcerated at the Charles Egeler Reception & Guidance Center. Plaintiff sues “Saginaw County Jail et al” but does not list anyone except Saginaw County Jail in his complaint. (Compl., docket #1, Page ID##1, 6.) In his *pro se* complaint, Plaintiff, a wheelchair-bound inmate, alleges that Defendant violated his Eighth Amendment rights by denying him medical care and violated his Fourteenth Amendments rights by discriminating against him because of Plaintiff’s disability.

Under the revised venue statute, venue in federal-question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1331(b). The events giving rise to Plaintiff’s action occurred at the Saginaw County Jail and Defendant is located in Saginaw County. Saginaw County is within the geographical boundaries of the Eastern District of Michigan. 28 U.S.C. § 102(a). Plaintiff’s allegations against Defendant arose in Saginaw County, where Defendant allegedly committed the

acts giving rise to this case. *See Leroy v. Great W. United Corp.*, 443 U.S. 173, 185-87 (1979). In these circumstances, venue is proper only in the Eastern District. Therefore:

IT IS ORDERED that this case be transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1406(a). **It is noted that this Court has not reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).**

Dated: May 25, 2012

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge