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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

ROBERT A. FOSTER-BEY,

Plaintiff,		Case No: 16-13046
v. Mr. SHOUSE,		HON. AVERN COHN
Defendant.	/	

ORDER TRANSFERRING CASE TO THE WESTERN DISTRICT OF MICHIGAN

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This is a prisoner civil rights case under 43 U.S.C. § 1983. Plaintiff, proceeding pro se, is a state prisoner confined at the Ionia Maximum Correctional Facility in Ionia, Michigan. Plaintiff claims that his constitutional rights were violated by the defendant. For the reasons that follow, the case will be transferred to the United States District Court for the Western District of Michigan, the appropriate venue.

II.

Venue is in the judicial district where either all defendants reside or where the claim arose. Al-Muhaymin v. Jones, 895 F. 2d 1147, 1148 (6th Cir. 1990); 28 U.S.C. § 1391(b). For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where the action might have been brought. See <u>United States v. P.J. Dick, Inc., 79 F. Supp. 2d 803, 805-06 (E.D. Mich. 2000); 28 U.S.C. § 1404(a). Venue of a lawsuit may be transferred sua sponte for the convenience of parties or witnesses. See <u>Schultz v. Ary, 175 F. Supp. 2d 959, 964 (W.D. Mich. 2001).</u></u>

The factors that guide a district court's discretion in deciding whether to transfer a

case include: (1) the convenience of the witnesses; (2) the location of relevant

documents and the relative ease of access to sources of proof; (3) the convenience of

the parties: (4) the locus of the operative facts: (5) the availability of process to compel

the attendance of unwilling witnesses; (6) the relative means of the parties; (7) the

forum's familiarity with governing law; (8) the weight accorded the plaintiff's choice of

forum; and (9) trial efficiency and interests of justice, based upon the totality of the

circumstances. Overland, Inc. v. Taylor, 79 F. Supp. 2d 809, 811 (E.D. Mich. 2000).

Here, all of the actions complained of took place at the Ionia Maximum

Correctional Facility in Ionia, Michigan, which is located in the Western District of

Michigan. Moreover, the defendant named in the complaint resides in the Western

District of Michigan. Plaintiff is also currently incarcerated at the Ionia Maximum

Correctional Facility. Thus, both for the convenience of the parties and witnesses, as

well as in the interests of justice, the case should proceed in the Western District of

Michigan.

III.

Accordingly, the Clerk of the Court shall TRANSFER this case to the Western

District of Michigan under to 28 U.S.C. § 1404(a).

SO ORDERED.

S/Avern Cohn AVERN COHN

UNITED STATES DISTRICT COURT

Dated: August 31, 2016 Detroit, Michigan

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