

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED
2006 OCT -4 A 11:55
U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION
DETROIT

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DONALD FERGUSON,

Plaintiff,

v.

CASE NO. 4:06-CV-14271
HONORABLE PAUL V. GADOLA

MICHIGAN DEPARTMENT OF CORRECTIONS,

Defendant.

**ORDER TRANSFERRING CASE TO THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN**

Before the Court is Plaintiff Donald Ferguson's *pro se* civil rights complaint brought pursuant to 42 U.S.C. § 1983. Plaintiff is a Michigan prisoner currently confined at the Gus Harrison Correctional Facility in Adrian, Michigan. In his complaint, Plaintiff challenges a Michigan Department of Corrections disciplinary policy and contests a prison disciplinary proceeding. Plaintiff names the Michigan Department of Corrections as the sole defendant in this action.

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. 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).

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.

Having reviewed the complaint, the Court finds that the United States District Court for the Western District of Michigan is a more appropriate forum for this action. The defendant resides in Ingham County for purposes of the present complaint. Ingham County lies in the Southern Division of the Western District of Michigan. 28 U.S.C. § 102(b).

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. 28 U.S.C. §§ 1391(b) and 1404(a).



R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

DATED: 10/3/2006