

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED
FEB - 7 2013

CLERK'S OFFICE
U.S. DISTRICT COURT
ANN ARBOR, MI

GHALIB ABDUL MUNTAQIM BEY,

Plaintiff,

v.

Civil Action No. 5:13-cv-10413
Honorable John Corbett O'Meara

JANE HUTCHIN,

Defendant.

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

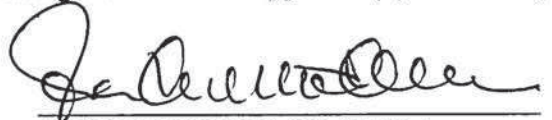
Pending before the Court is Plaintiff Ghalib Abdul Muntaqim Bey's civil-rights complaint, filed *pro se* under 42 U.S.C. § 1983. Plaintiff is a prisoner incarcerated by the Michigan Department of Corrections, currently housed at the Lakeland Correctional Facility in Coldwater, Michigan, where he is serving a sentence for second-degree murder. In his complaint, Plaintiff raises a claim concerning the denial of his right of access to the courts. He names Jane Hutchin as a Defendant. The allegations occurred while housed at the Lakeland Correctional Facility. The Court will transfer the case to the United States District Court for the Western District of Michigan.

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 Branch County for purposes of the present complaint. Branch County lies in the Southern Division of the Western District of Michigan. *See* 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).



JOHN CORBETT O'MEARA
UNITED STATES DISTRICT JUDGE

DATED: February 7, 2013