

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

CORTEZ ATKINS,

Plaintiff,

Case No. 1:08-cv-972

v.

Hon. Robert J. Jonker

MARK CHRISTIANSEN, *et al.*,Defendants.

**ORDER DENYING DEFENDANTS' MOTION TO CHANGE ASSIGNMENT
OF THIS MATTER TO THE NORTHERN DIVISION**

This matter is now before the court on defendants' motion to change assignment of this prison civil rights action to the court's Northern Division (docket no. 53). The alleged claims that occurred at the Carson City Correctional Facility (DRF) (located in the Southern Division), the Baraga Maximum Correctional Facility (AMF) (located in the Northern Division) and the Alger Maximum Correctional Facility (LMF) (also located in the Northern Division). Defendants seek a change of venue to the Northern Division pursuant to W.D. Mich. LCivR 3.2, which provides in pertinent part as follows:

All cases shall be assigned to a division by application of the following order of priorities . . . (d) in prisoner civil rights cases, the division in which the claim arose . . . (f) the division in which all defendants reside . . . (i) the division in which the case is filed.

Plaintiff's complaint alleged acts that occurred in both the Southern Division and the Northern Division. Defendants contend that because certain claims against defendants Christiansen and Mulvaney that occurred at the Carson Road Correctional Facility¹ have been dismissed, and

¹ Presumably, defendants are referring to the Carson City Correctional Facility (DRF), where plaintiff was incarcerated at the time he filed the complaint. *See* docket no. 1; Defendants' Brief at p. 1. Defendants

other events alleged in the complaint occurred while plaintiff was housed at the Baraga and Alger Correctional Facilities have not been dismissed, the venue for this action should be transferred to the Northern Division. The record reflects that defendants Christiansen and Mulvaney remain in this action. Three defendants, Smith, Bergh and Contreras are located in the Northern Division. Two other defendants, Michigan Department of Corrections Director Patricia Caruso and Central Facilities Administration Deputy Director Dennis Straub, perform tasks in both the Northern and Southern Divisions. Finally, plaintiff is currently housed at a facility located in the Northern Division.

Plaintiff's claims arose in both the Northern and Southern Divisions. He chose to file this action in the Southern Division, where two of the remaining defendants are located. Under these circumstances, there is no reason to transfer this matter to the Northern Division under the criteria as set forth in W.D. Mich. LCivR 3.2. Accordingly, defendants' motion to transfer (docket no. 53) is **DENIED**.

Dated: May 6, 2010

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

also state that "Carson City is located in the Eastern District of Michigan." Defendants' Brief at p. 1. On the contrary, Carson City is located in Montcalm County, which lies within the geographic boundaries of the Western District of Michigan.