

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

ORDER ADOPTING REPORT AND RECOMMENDATION
AND TRANSFERRING CASE PURSUANT TO 28 U.S.C. § 1406(a)

On November 28, 2016, Plaintiff Robert Herron, a resident of Memphis, Tennessee, filed a *pro se* complaint on the form used for commencing actions pursuant to 42 U.S.C. § 1983, accompanied by a motion to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) United States Magistrate Judge Tu M. Pham granted leave to proceed *in forma pauperis*. (ECF No. 6.) On December 1, 2016, Magistrate Judge Pham issued a Report and Recommendation (“R&R”) in which he recommended transferring the case to Mississippi pursuant to 28 U.S.C. § 1406(a). (ECF No. 7.) Objections to the R&R were due within fourteen days, on or before December 19, 2016. *See* Fed. R. Civ. P. 72(b)(2); *see also* Fed. R. Civ. P. 6(a), (d). However, Plaintiff has filed no objections.

Plaintiff complains of events that occurred in the City of Holly Springs, Mississippi. He has sued the City of Holly Springs, Marshall County and the State of Mississippi. He

alleges that he was unlawfully charged with improper passing on Martin Luther King, Jr. Drive. He further alleges the Defendants were negligent in restoring and maintaining Martin Luther King, Jr. Drive, resulting in deterioration of the street to unsafe levels. (ECF No. 1 at 2; ECF No. 1-1.)

Magistrate Judge Pham found that venue does not lie in this district. Other than the fact that Plaintiff resides here, there is no connection with this district. All of the relevant events occurred in Mississippi, and all of the Defendants are located there. *See* 28 U.S.C. § 1391(b)(1)-(2). Therefore, the Magistrate Judge concluded that a transfer to Mississippi is appropriate. Marshall County is part of the Oxford Division of the Northern District of Mississippi. *See* 28 U.S.C. § 104(a)(2).

The Court agrees with Magistrate Judge Pham's conclusion and ADOPTS the R&R. Accordingly, this case is hereby TRANSFERRED, pursuant to 28 U.S.C. § 1406(a), to the Oxford Division of the U.S. District Court for the Northern District of Mississippi.

The Clerk is directed to close this case without entry of judgment.

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE