

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

KIRK WHITTAKER, #14882-018

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:06cv13DCB-JCS

DEBRA GRIFFIN, et al.

DEFENDANTS

ORDER OF TRANSFER

This cause comes before this court, *sua sponte*, to transfer this complaint to the United States District Court of the Northern District of Georgia pursuant to 28 U.S.C. § 1404. The plaintiff, a federal prisoner currently incarcerated in the Federal Correctional Institute, Yazoo City, Mississippi, filed this complaint and requested *in forma pauperis* status on January 27, 2006.

A district court has the authority to transfer a case in the interest of justice to another district in which the action might have been brought. 28 U.S.C. § 1404. The plaintiff's choice of forum along with "[t]he location of counsel for all parties, the cost of obtaining attendance of witnesses and other trial expenses, and the place of the alleged wrong" are factors to consider when determining whether a transfer is appropriate. McRae v. Sawyer, 660 F. Supp. 62, 64 (S.D. Miss. 1986) (citing Gulf Oil Co. v. Gilbert, 330 U.S. 501, 508-09 (1947)). According to the complaint, seven of the eight defendants are located in the Northern District of Georgia and the allegations of the complaint occurred in the Northern District of Georgia. Under these circumstances, this court has determined that in the interest of justice this civil action should be transferred.

IT IS THEREFORE ORDERED that this civil action be transferred to the United States District Court of the Northern District of Georgia, 2211 Richard B. Russell Federal Building and

United States Courthouse, 75 Spring Street, S.W., Atlanta, GA 30303-3309, and that the complaint and motion to proceed *in forma pauperis* filed in this civil action shall be received in accordance with the local rules of the Northern District of Georgia.

SO ORDERED, this the 3rd day of February , 2006.

S/DAVID BRAMLETTE
UNITED STATES DISTRICT JUDGE