



Pursuant to 28 U.S.C. § 1406(a), the District Court in which is filed a case laying venue in the wrong district may dismiss the case or, in the exercise of its discretion and in the interest of justice, transfer the petition to any District Court in which such action could have been brought. In cases involving a plaintiff who is proceeding pro se and in forma pauperis, especially a prisoner, the usual practice is to transfer the case to the proper district. Therefore, this action shall be transferred to the United States District Court for the Western District of Missouri. Because venue is not proper in the Eastern District, no determination has been made as to whether the complaint is frivolous and/or fails to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(A)(B).

In accordance with the foregoing,

**IT IS HEREBY ORDERED** that plaintiff's motion for leave to proceed in forma pauperis [Doc. #2] is **PROVISIONALLY GRANTED**, subject to modification by the Western District of Missouri upon transfer.

**IT IS FURTHER ORDERED** that the Clerk of Court shall not issue process or cause process to issue upon the complaint, because this action will be transferred to the Western District of Missouri.

An appropriate order of transfer shall accompany this order and memorandum.

Dated this 30th day of November, 2006.

  
UNITED STATES DISTRICT JUDGE