

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

ANDREW WALKER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:10CV527 AGF
	)	
TWENTIETH CENTURY FOX	)	
FILM CORPORATION, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff’s motion to proceed in forma pauperis. Upon review of the financial information provided with the complaint, the Court has determined that plaintiff cannot afford to pay the filing fee. As a result, the Court will grant the motion. Additionally, the Court has reviewed the complaint and has determined that venue does not lie in this District.

Plaintiff has filed this diversity action against Twentieth Century Fox Film Corporation (“Fox”) and several unknown employees of Fox. Plaintiff alleges that Fox does business in California and Delaware. Plaintiff claims that while he was in California on August 31, 2009, Fox filmed him without his consent. Upon these allegations, plaintiff asserts several claims against Fox under California law.

A diversity action may “be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a


substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant is subject to personal jurisdiction at the time the action is commenced, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(a). None of the requirements of § 1391(a) are present in this case. Therefore, venue does not lie in this District.

Under 28 U.S.C. § 1406(a), “[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss.” As a result, the Court will dismiss this action without prejudice.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s motion to proceed in forma pauperis [#2] is **granted**.

Dated this 5th day of April, 2010.

  
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CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE