

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

KHALIFAH A. M. FARUQ,)	
)	
Plaintiff,)	
)	
v.)	No. 4:09-CV-728 CAS
)	
LEON VICKERS,)	
)	
Defendant.)	

MEMORANDUM AND ORDER OF TRANSFER

This matter is before the Court on plaintiff’s filing of a complaint on May 8, 2009.¹

Plaintiff brings this action under 42 U.S.C. § 1983. The named defendant is located in the Western District of Missouri, and all of the events described in the complaint occurred in the Western District of Missouri.

Under 28 U.S.C. § 1391(b), an action of this type 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 may be found, if there is no district in which the action may otherwise be brought.”

Because the defendant is located in the Western District, and because the events that gave rise to this case occurred in the Western District, venue is proper in the Western District of Missouri.

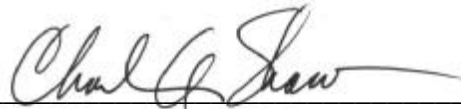
Under 28 U.S.C. § 1406(b), “[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” Because plaintiff is proceeding

¹Plaintiff has failed to pay the filing fee or submit a motion to proceed in forma pauperis. Because the Court is transferring this case, it assumes that the Western District will address this issue.

pro se, the Court finds that it is in the interest of justice to transfer this case to the United States District Court for the Western District of Missouri.

Accordingly,

IT IS HEREBY ORDERED that the Clerk shall transfer this case to the United States District Court for the Western District of Missouri. See 28 U.S.C. § 1406(b).

A handwritten signature in cursive script, reading "Charles A. Shaw", written in black ink. The signature is positioned above a horizontal line.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of June, 2009.