

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

ERIC J. RHETT,

Plaintiff,

vs.

Case No.:1:09-CV-64-SPM/AK

FIREMANS INSURANCE CO., et al,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court upon the Magistrate Judge's Report and Recommendation (doc. 7). The parties have been furnished a copy and have been afforded an opportunity to file objections. The Plaintiff has filed three objections (docs. 8, 9, and 10) and two memos in support of his objections (docs. 11 and 12). Pursuant to Title 28, United States Code, Section 636(b)(1), I have made a *de novo* determination of those portions of the Report and Recommendation to which an objection has been made. Having considered the objections, I have determined that the Report and Recommendation should be adopted.

Venue for civil cases is governed by 28 U.S.C § 1391, which states that venue is proper in the district court "where any defendant resides, if all defendants

reside in the same State.” All the Defendants in this case reside in New Jersey. Therefore, as stated by the Magistrate Judge, the United States District Court for the District of New Jersey is the proper venue for this cause of action. Despite Plaintiff’s objections, there is no connection to Florida that would justify this Court hearing this case or ruling on pending motions. Consequently, Plaintiff must defend his rights and prosecute his case in New Jersey, the home state of Plaintiff and of the Defendants.

Pursuant to Title 28, United States Code, Section 636(b)(1), it is ORDERED AND ADJUDGED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 7) is **adopted** and incorporated by reference in this order.
2. This case is hereby **transferred** to the United States District Court for the District of New Jersey.
3. The Clerk is directed to immediately take all steps necessary to effectuate the transfer.

DONE AND ORDERED this fourth day of June, 2009.

s/ Stephan P. Mickle

Stephan P. Mickle
United States District Judge