

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NOT FOR PUBLICATION

MICHAEL LEWIS,

Plaintiff,

-against-

TRANSFER ORDER

N.Y.C.P.D.; P.O. MILTON PINEIRO #9456;
P.O. ADAM DONOFRIO #31686,

09-CV-5612 (CBA) (JMA)

Defendants.

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Amon, United States District Judge:

On December 8, 2009, plaintiff Michael Lewis, currently detained on Rikers Island, filed this *pro se* action pursuant to 42 U.S.C. § 1983, alleging that Police Officers Pineiro and Donofrio of the 50th Police Precinct violated his civil rights.

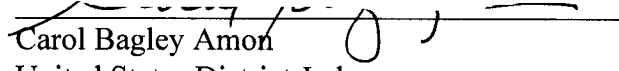
Pursuant to the venue provision governing federal question jurisdiction, this action must be filed in the judicial district where defendants reside or where a substantial part of the events or omissions giving rise to the claim occurred. See 28 U.S.C. § 1391(b). Here, defendants Pineiro and Donofrio are employed by the New York Police Department at the 50th Police Precinct which is located in Bronx County, and plaintiff does not allege that any of the events alleged occurred within the Eastern District of New York.

Accordingly, this case is hereby transferred to the United States District Court for the Southern District of New York. See 28 U.S.C. § 112(b) (“The Southern District comprises the counties of Bronx. . . .”); 28 U.S.C. § 1406(a) (a district court may transfer a case filed in the wrong district to any district in which it could have been brought). A ruling on plaintiff’s application to proceed *in forma pauperis* and enforcement of the Prison Litigation Reform Act is reserved for the transferee Court. That provision of Rule 83.1 of the Local Rules of the Eastern

District of New York which requires a five-day delay is waived. A summons shall not issue from this Court.

SO ORDERED.

Dated: Brooklyn, New York
December 30, 2009


Carol Bagley Amon
United States District Judge