

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 16 2012 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

PAUL W. BROWN,
Plaintiff,

-against-

GUARDSMARK, LLC.,
Defendant.

NOT FOR PUBLICATION
MEMORANDUM & ORDER
12-CV-1538 (CBA)

X

AMON, Chief United States District Judge:

On April 30, 2012, the Court issued an order explaining that the Eastern District of New York does not appear to be a proper venue for this action under Title VII's special venue provision, 42 U.S.C. § 2000e-5(f)(3). The Court directed the plaintiff to show cause why this action should not be transferred to the Eastern District of Virginia. The Court has received the plaintiff's response, which states only that the plaintiff believes he will not receive fair treatment in Virginia. This does not provide a statutory basis for venue in the Eastern District of New York. See Ramos de Almeida v. Powell, 2002 WL 31834457, at *2 (S.D.N.Y. 2002) ("Because Title VII's specific venue provisions limit venue to judicial districts that have a connection with the alleged discrimination, plaintiff cannot simply prevail by pointing to the fact that she is a New York resident.").

Venue is not proper in this district under Title VII. 42 U.S.C. § 2000e-5(f)(3). Accordingly, this action is transferred to the United States District Court for the Eastern District of Virginia. 28 U.S.C. § 1406(a) ("The 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."). The Court certifies

pursuant to 28 U.S.C. §1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York
May 16, 2012

/S/

Carol Bagley Amon
United States District Judge