

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:12-cv-00346-W**

S.F. by and through his parents and)	
guardians, J.F. and R.F.; R.F.; and J.F.;)	
)	
Plaintiffs,)	
)	
vs.)	
)	
CABARRUS COUNTY BOARD OF)	
EDUCATION,)	
)	
Defendant.)	
)	

ORDER

THIS MATTER is before the Court sua sponte upon receiving notification that this case had been assigned to it. The Court has reviewed the Complaint. It appears that all events and conditions that are the subject of this lawsuit occurred or are located in Harrisburg, North Carolina, which lies entirely within Cabarrus County in the Middle District of North Carolina. None of the allegations indicate that any of the parties otherwise reside or maintain a place of business in the Western District of North Carolina, that is, there is no basis for venue in this District. Although no motion has been filed, 28 U.S.C. § 1406(a) grants the Court the discretion to "dismiss [or] . . . transfer such case" to the proper venue. The Court concludes that principles of judicial efficiency dictate that rather than dismiss this action, which dismissal if entered would be followed by the re-filing of an identical lawsuit in the Middle District, the better practice is simply to transfer venue to the Middle District.

IT IS THEREFORE ORDERED that this matter is hereby TRANSFERRED to the Middle District of North Carolina. The Clerk is respectfully DIRECTED to send the instant file to the Clerk of Court for the Middle District of North Carolina. The Clerk of this District shall refrain from

issuing summons and shall inform the Middle District of North Carolina that summons has not yet been issued.

IT IS SO ORDERED.

Signed: June 4, 2012



Frank D. Whitney
United States District Judge

