

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

OLAKWESU Y. ELBEY,)	
)	
Plaintiff,)	
)	
v.)	No. 1:11-cv-537-SEB-MJD
)	
DAYTON POLICE OFFICERS RICHARD)	
SCOTT DAVIS, et al.,)	
)	
Defendants.)	

Order Transferring Action to Southern District of Ohio

Plaintiff Elbey seeks damages based on the asserted violation of his rights under both federal and Ohio state law based on events occurring in March 1990 in a Dayton, Ohio courthouse and a multiplicity of events in the following two decades. Elbey lives in the Southern District of Ohio, the City of Dayton was and remains in the Southern District of Ohio, the defendants are each associated with the City of Dayton, and the events forming the basis of Elbey's claims occurred within the Southern District of Ohio.

When jurisdiction is not founded solely on diversity, venue is proper only in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) 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) any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Here, the acts the plaintiff alleges in support of his claim took place in Dayton, Ohio. The evidence lies in the Southern District of Ohio. Another statute, 28 U.S.C. § 1404, provides: "For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought." Under these circumstances, the proper venue for the action is the Southern District of Ohio.

Accordingly, and without acting on Elbey's request to proceed *in forma pauperis*, the above action is now **TRANSFERRED** to the United States District Court for the Southern District of Ohio at Dayton, Ohio.

IT IS SO ORDERED.

Date: 05/09/2011


 SARAH EVANS BARKER, JUDGE
 United States District Court
 Southern District of Indiana

Distribution:

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