

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

THOMAS GARY HUBBS, JR.,

Plaintiff,

vs.

JEREMY WADE, *et al.*

Defendants.

Case No. CIV-17-606-D

**ORDER TRANSFERRING CASE**

This matter comes before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Shon T. Erwin pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Erwin finds that Plaintiff's claim for injunctive relief should be dismissed, that venue is improper in this judicial district, and that the case should be transferred to the United States District Court of the Eastern District of Oklahoma.

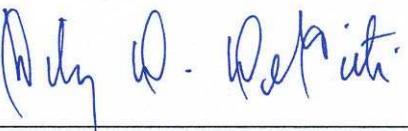
The record reflects no timely objection to the Report nor request for additional time to object, although Plaintiff was expressly advised of the right to object and the waiver rule. The Court finds that Plaintiff has waived further review of the issues addressed in the Report. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996). For this reason, and the reasons explained by Judge Erwin, the Court finds that a transfer of the case is warranted pursuant to 28 U.S.C. § 1406(a).<sup>1</sup>

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<sup>1</sup> Judge Erwin recommends a discretionary transfer under 28 U.S.C. § 1404(a) but a transfer is necessary in this case to cure a defect in venue.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 23] is ADOPTED and that Defendants' Motion to Transfer Venue [Doc No. 20] is GRANTED, as set forth herein. This action is transferred to the United States District Court of the Eastern District of Oklahoma.

IT IS SO ORDERED this 8<sup>th</sup> day of December, 2017.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE