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

SCOTT FISHER,	)	
Plaintiff	)	**C.A. No. 07-332 Erie**
	)	
v.	)	
	)	**Magistrate Judge Baxter**
HEAD OF MEDICAL, et al.,	)	
Defendants	)	

OPINION AND ORDER

On December 19, 2017, Plaintiff, an inmate incarcerated at the State Correctional Institution at Benner in Bellefonte, Pennsylvania ("SCI Benner"), commenced this action by filing a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 against Defendants Head of Medical and SCI Benner; however, Plaintiff failed to either pay the filing fee or file a motion to proceed *in forma pauperis*. As a result, the complaint has not yet been docketed. Nonetheless, it is apparent that all allegations of the complaint pertain to actions that allegedly took place at SCI Benner, which is located in Centre County, Pennsylvania, where both Defendants are located.

28 U.S.C. § 1391(b) provides that:

> A civil action wherein jurisdiction is not founded solely on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which 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) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

Here, because the Complaint makes clear that all of the events occurred, and all Defendants are located, in Centre County, Pennsylvania, venue of this action is improper in this

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

district, and this case should be transferred to the Middle District pursuant to 28 U.S.C. § 1404(a), which provides, "[f]or 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."

WHEREFORE, on this 8th day of January, 2018,

IT IS HEREBY ORDERED that this case be transferred to the United States District Court for the Middle District of Pennsylvania pursuant to 28 U.S.C. §§ 1391(b) and 1404(a).

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States Magistrate Judge