

The court is not bound by the parties' requests for place of trial and may determine the place of trial at its own discretion or upon motion by a party. D. Kan. Rule 40.1. Change of venue is governed by 28 U.S.C. § 1404(a). Because Kansas constitutes only one judicial district and division, 28 U.S.C. § 1404(a) is, on its face, inapplicable to defendants' request for intra-district transfer. *Aramburu v. Boeing Co.*, 896 F. Supp. 1063, 1064 (D. Kan. 1995). The courts in this district, however, often look to the factors set forth in 28 U.S.C. § 1404(a) when considering a request for intra-district transfer. *Id.* Those factors include plaintiff's choice of forum, convenience of parties and witnesses, and accessibility of witnesses and other sources of proof. *Chrysler Credit Corp. v.*

Country Chrysler, Inc., 928 F.2d 1509, 1516 (10th Cir. 1991).

In this case, those factors weigh in favor of defendants' request for the court to transfer this case to Wichita, Kansas. Plaintiff selected the District of Kansas as an appropriate venue, but did not designate a place of trial. In their Answers, defendants City of Wichita and Jeffrey Taylor designated Wichita, Kansas as the place of trial. Additionally, most, if not all, of the witnesses to be called at trial are in the Wichita or Hutchinson area. And all of defendants' exhibits and foundation witnesses are located in the Wichita area. Moreover, plaintiff is currently incarcerated in a correctional facility in Hutchinson, Kansas and does not object to the transfer of this case to Wichita. Therefore, the court grants defendants City of Wichita and Jeffrey Taylor's motion to transfer.

IT IS THEREFORE ORDERED defendants City of Wichita and Jeffrey Taylor's Motion to Determine Place of Trial and For Transfer of Action to Wichita For Adjudication (Doc. 122) is granted.

Dated this 12th day of October, 2006, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge