

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ARGENTRA CODY,

Plaintiff,

v.

CASE NO. 06-3121-SAC

DARLENE A. VELTRI,

Defendant.

O R D E R

This matter is before the court on a complaint filed under the Federal Tort Claims Act (FTCA). Plaintiff is a prisoner currently incarcerated in FMC-Carswell, a federal facility in Fort Worth, Texas. Plaintiff proceeds pro se and seeks leave to proceed in forma pauperis.

Plaintiff seeks damages for the loss of his personal property during its shipment from FPC-Greenville in Illinois to FMC-Carswell. Plaintiff filed an administrative claim to which the Regional Office of the Bureau of Prisons (BOP) extended an offer of a \$400.00 settlement. Plaintiff refused this offer and filed the instant action to seek the full value of his missing property. It appears plaintiff filed his complaint in the District of Kansas because the Regional BOP office in Kansas City, Kansas, handled his administrative FTCA claim.

Pursuant to 28 U.S.C. § 1346(b), federal district courts have jurisdiction of civil actions brought against the United States for damages under FTCA. Any civil action on a tort claim against the United States under § 1346(b) may be prosecuted only in the judicial

district where the plaintiff resides or wherein the act or omission complained of occurred. 28 U.S.C. § 1402(b).

Plaintiff clearly does not reside in the District of Kansas, and the alleged negligence at issue in plaintiff's FTCA claim occurred outside this judicial district, thus venue in the District of Kansas is improper. Instead, it appears venue lies in the Southern District of Illinois, the judicial district in which plaintiff's property was collected and shipped out from FPC-Greenville.

Finding it is in the interests of justice to transfer this matter to a court having proper venue, 28 U.S.C. § 1406(a), the court grants plaintiff provisional leave to proceed in forma pauperis and transfers this action to the United States District Court for the Southern District of Illinois.

IT IS THEREFORE ORDERED that plaintiff is granted provisional leave to proceed in forma pauperis for the limited purpose of transferring the complaint.

IT IS FURTHER ORDERED that the complaint is transferred to the United States District Court for the Southern District of Illinois for all further proceedings.

IT IS SO ORDERED.

DATED: This 12th day of May 2006 at Topeka, Kansas.

s/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge