

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MATTHEW JEREMY RAIL,

Plaintiff,

v.

CASE NO. 18-3183-SAC

LACLEDE COUNTY, et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is a civil rights action filed under 42 U.S.C. § 1983. Plaintiff, a Missouri prisoner, proceeds pro se and seeks leave to proceed in forma pauperis.

Background

Plaintiff alleges that in April 2018, a fellow inmate in the Laclede County Jail, Lebanon, Missouri, committed suicide. After staff discovered that event, the deceased inmate's body was left on a table in front of plaintiff's cell for over three hours. He claims that he has suffered mental distress and nightmares since that time. He seeks damages.

Screening

A federal court must conduct a preliminary review of any case in which a prisoner seeks relief against a governmental entity or an officer or employee of such an entity. See 28 U.S.C. § 1915A(a).

The Court has conducted the initial review of this matter and finds that venue is not proper in the District of Kansas. Whether venue is proper in a federal district is governed by 28 U.S.C. § 1391, which provides that a civil action may be brought in:

- (1) A judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;
- (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 the property that is the subject of the action is situated; or
- (3) If there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b).

In this case, none of the events involved occurred in Kansas, and neither plaintiff nor any defendant is a resident of Kansas or has any apparent connection to Kansas that would provide a basis for personal jurisdiction in the District of Kansas.

Under 28 U.S.C. § 1406, a "district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any division in which it could have been brought." 28 U.S.C. § 1406.

The Court has considered the matter and will direct the Clerk of the Court to transfer this matter to the U.S. District Court for the Western District of Missouri.

IT IS, THEREFORE, BY THE COURT ORDERED plaintiff's motion to proceed in forma pauperis (Doc. #2) is provisionally granted subject to review in the transferee court.

IT IS FURTHER ORDERED the Clerk of the Court shall transfer this action to the U.S. District Court for the Western District of Missouri.

IT IS SO ORDERED.

DATED: This 15th day of August, 2018, at Topeka, Kansas.

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