

JUDGE WOOD

07 CV 4672

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

INJAH TAFARI,

Plaintiff,

TRANSFER ORDER

-against-

K MCCARTHY; A. TORRES; SGT. JOHN DOE;
THOMAS FARRELL; T. BROWN; A. SISILLI;
R. RIESTER; MICHAEL OCCHIPINTI; DAWN
DICAIRANO; MICHAEL LEGHORN; PATRICK
GRIFFIN; PETER HEALY; DONALD SELSKY;
DAVID MILLER; KATHY LUCAS; TEDDY
LUCAS; THOMAS EAGEN; MIKHAL
GUSMAN; OMH DOCTOR DOE; WILLIAM
BROWN; AND DIANE VANBUREN,

Defendants.

X

Plaintiff, appearing pro se and incarcerated at Five Points Correctional Facility, brings the instant 42 U.S.C. § 1983 complaint alleging violations of his constitutional rights while confined at Eastern Correctional Facility.¹ The Eastern Correctional Facility is located in Ulster County in the Northern District of New York. See 28 U.S.C. § 112(a). As the events alleged in the instant complaint occurred in the Northern District of New York, I hereby transfer this action to the United States District Court for the Northern District of New York.

Venue

Under 28 U.S.C. § 1391, a § 1983 action may 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 the property that is the subject of

¹ This Court's Pro Se Office received the instant complaint on April 23, 2007.

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.

Since the alleged events giving rise to this claim occurred in the Northern District of New York, this action should be and hereby is transferred to the United States District Court for the Northern District of New York. 28 U.S.C. §§ 1391(b), 1406(a).

The Clerk of this Court shall file and docket the complaint without payment of fees. Whether plaintiff should be permitted to proceed further without payment of fees or under the fee payment schedule set forth in the Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, 110 Stat. 1321 (1996), is a determination to be made by the transferee court. That provision of Rule 83.1 of the Local Rules for the Southern District of New York which requires a five day delay is waived. A summons shall not issue from this Court for this action.

SO ORDERED.



KIMBA M. WOOD
Chief Judge

Dated: **JUN X 4** 2007
New York, New York

CLOSED

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-04672-KMW**

Tafari v. McCarthy et al
Assigned to: Judge Kimba M. Wood
Demand: \$500,000
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 06/04/2007
Date Terminated: 06/04/2007
Jury Demand: Plaintiff
Nature of Suit: 555 Prisoner: Prison
Condition
Jurisdiction: Federal Question

Plaintiff

Injah Tafari

represented by **Injah Tafari**

Five Points Correctional Facility
P.O. Box 119
Romulus, NY 14541
PRO SE

V.

Defendant

K McCarthy

Defendant

A. Torres

Defendant

Sgt. John Doe

Defendant

Thomas Farrell

Defendant

T. Brown

Defendant

A. Sisilli

Defendant

R. Rlester

Defendant

Michael Occhipinti

Defendant

Dawn Dicairano

Defendant

Michael Leghorn

Defendant

Patrick Griffin

Defendant

Peter Healy

Defendant**Donald Selsky****Defendant****David Miller****Defendant****Kathy Lucas****Defendant****Teddy Lucas****Defendant****Thomas Eagen****Defendant****Mikhal Gusman****Defendant****OMH Doctor Doe****Defendant****William Brown****Defendant****Diane Vanburen**

Date Filed	#	Docket Text
06/04/2007	1	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Injah Tafari.(jeh) (Entered: 06/19/2007)
06/04/2007	2	COMPLAINT against Michael Occhipinti, Dawn Dicaiano, Michael Leghorn, Patrick Griffin, Peter Healy, Donald Selsky, David Miller, Kathy Lucas, Teddy Lucas, Thomas Eagen, Mikhal Gusman, OMH Doctor Doe, William Brown, Diane Vanburen, K McCarthy, A. Torres, John Doe, Thomas Farrell, T. Brown, A. Sisilli, R. Riester. Document filed by Injah Tafari.(jeh) (Entered: 06/19/2007)
06/04/2007		Magistrate Judge Andrew J. Peck is so designated. (jeh) (Entered: 06/19/2007)
06/04/2007	3	TRANSFER ORDER (N.D.N.Y.); Since a substantial part of the events or omissions giving rise to this claim allegedly occurred in the Northern District of N.Y., the action should be and hereby is transferred to the U.S.D.C. for the Northern District of New York. 28 U.S.C. 1391(b), 1406(a). The Clerk of this Court shall file and docket the complaint without payment of fees. Whether plttf. should be permitted to proceed further without payment of fees is a determination to be made by the transferee court. That provision of Rule 83.1 of the Local Rules for the Southern District of New York which requires a five day delay is waived. A summons shall not issue from this Court. Sent original file along certified copy of docket entries and transfer order. Mailed via Federal Express AIRBILL # 8582 4870 3407 on 06/20/2007. (Signed by Judge Kimba M. Wood on 06/04/2007) (jeh) (Entered: 06/19/2007)
08/20/2007		Received a letter from the United States District Court - Northern District of New York acknowledging receipt of the entire file and assigned Case Number: 9:07cv654(NAS). (rdz) (Entered: 08/20/2007)

CLERK, U.S. DISTRICT COURT

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100 S. CLINTON STREET
SYRACUSE, NEW YORK 13261-7367

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06/21/2007

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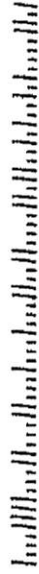
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NY
OFFICE OF THE CLERK
US COURTHOUSE
500 PEARL STREET
NEW YORK NY 10007-1213

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United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

Date: 06/20/2007

DOCKET NO. 07-4672

Dear Sir/Madam,

Pursuant to an order of this court the above case(s) are being transmitted to the United States District Court – Northern of New York. The entire case file and a copy of the order are included in lieu of the original, which is retained in our files.

The enclosed copy of this letter is for your convenience in acknowledging receipt of the file.

Yours truly,
J. Michael McMahon, Clerk of Court

By: Deputy Clerk
Jenny R. Horne

Via: Fed Ex

RECEIPT IS ACKNOWLEDGED OF THE DOCUMENTS DESCRIBED HEREIN
AND ASSIGNED CASE NUMBER:

CASE # 9:07-cv-654 ON DATE: 6/21/07
