

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

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LEE ANN SCHMIDT,

Plaintiff,

v.

MEMORANDUM AND ORDER

JO ANNE B. BARNHART,  
Commissioner of Social Security,

05-C-741-S

Defendant.

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Plaintiff's motion for summary judgment in the above entitled matter has been fully briefed and is ready for decision. On the same day that plaintiff filed her reply brief in support of this motion she filed a motion pursuant to 28 U.S.C. § 1404(a) to transfer venue to the Western District of Texas where she now lives.

MEMORANDUM

The statute provides that a district court may transfer any civil action to any other district where it might have been brought. 28 U.S.C. §1404(a). A transfer of venue may be granted for the convenience of the parties and in the interest of justice.

When plaintiff commenced this action she was a resident of Eau Claire, Wisconsin and venue was in this Court. She could not have brought the action in the Western District of Texas because she did

not reside there. Accordingly, 28 U.S.C. § 1404(a) does not provide that transfer is appropriate.

Even were transfer allowed by the statute neither the convenience of the parties or the interests of justice would warrant a transfer. Plaintiff's motion for summary judgment is ready for decision and will be decided promptly. There are no witnesses in this case who will be inconvenienced by resolving the case in this district. Accordingly, plaintiff's motion to transfer the above entitled matter will be denied and this Court will decide plaintiff's motion for summary judgment.

ORDER

IT IS ORDERED that plaintiff's motion to transfer venue is DENIED.

Entered this 27<sup>th</sup> day of June, 2006.

BY THE COURT:

S/

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JOHN C. SHABAZ  
District Judge