

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

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DAVID LEE GREEN,

Plaintiff,

v.

WARDEN, MCC CHICAGO,  
CASE MANAGER MS. CHRISTMAS,  
SUPERVISOR MR. HARRIS, and  
THE UNITED STATES OF AMERICA,

Defendants.  
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OPINION AND ORDER

07-C-37-C

Plaintiff is proceeding on his claims under the Eighth Amendment and the Federal Tort Claims Act that defendants failed to protect him from another prisoner's assault. Defendants Warden, MCC Chicago, Case Manager Ms. Christmas and Supervisor Mr. Harris have moved to dismiss the complaint as to them for lack of personal jurisdiction. In the alternative, all of the defendants move to transfer the case to the Northern District of Illinois under 28 U.S.C. § 1404(a).

Normally, courts decide jurisdictional issues before everything else. However, as the Supreme Court explained recently, a court may decide other issues first so long as they are

unrelated to the merits of the case. Sinochem International Co. Ltd. v. Malaysia International Shipping Corp., 127 S. Ct. 1184, 1191-92 (2007). Relevant to this case, courts may grant a motion to transfer venue without deciding whether the court may exercise personal jurisdiction over all the defendants. Cote v. Wadel, 796 F.2d 981, 985 (7th Cir. 1986); see also Goldlawr, Inc. v. Heiman, 369 U.S. 463, 464, 82 (1962).

Section 1404(a) authorizes a transfer “[f]or the convenience of parties and witnesses” and “in the interests of justice.” In considering whether transfer is appropriate, relevant factors include the location of the events giving rise to the lawsuit, the location of witnesses for the purpose of compelling attendance at trial, the relative ease of access to sources of proof and “all other practical problems that make trial of a case easy, expeditious and inexpensive.” In re Factor VIII or IX Concentrate Blood Products Litigation, 484 F.3d 951, 955 (7th Cir. 2007); see also Harley-Davidson, Inc. v. Columbia Tristar Home Video, Inc., 851 F. Supp. 1265, 1269 (E.D. Wis. 1994); Kinney v. Anchorlock Corp., 736 F. Supp. 818, 829 (N.D. Ill. 1990).

As defendants point out, all of the witnesses in this case live and work in Illinois, with the exception of plaintiff, who is incarcerated at the Federal Correctional Institution in Oxford, Wisconsin. Although plaintiff’s location is entitled to some weight, it is less important in this case because none of the events giving rise to the lawsuit occurred in Wisconsin; they occurred in Illinois. Snyder v. Revlon, Inc., 2007 WL 791865, \*8 (W.D.

Wis. 2007). Further, I agree with defendants that because plaintiff is a prisoner, whether the relevant court house is 60 miles away or 200 miles away makes little difference to his own convenience. Plaintiff himself acknowledges that he is unlikely to remain in Oxford, which would eliminate any argument for keeping the litigation in the Western District of Wisconsin.

Plaintiff does not deny that Illinois is a more convenient forum than Wisconsin. Rather, he raises a number of other objections, most of them related to unfair treatment he believes he received while incarcerated in Illinois. However, as I assume plaintiff understands, defendants' motion will have no effect on plaintiff's place of incarceration; transferring the case to the Northern District of Illinois does not mean that plaintiff will return to MCC Chicago.

Plaintiff may be making a broader point, which is that he believes that all of the federal officials in Chicago are corrupt and will attempt to prevent him from obtaining justice. Of course, plaintiff offers no evidence to support this theory. Even if I assumed that plaintiff were correct in believing that officials at MCC Chicago were trying to interfere with this lawsuit, that would not suggest that federal judges in Chicago are any less able and willing than this court to consider plaintiff's case fairly and impartially.

ORDER

The motion of defendants United States of America, Warden MCC Chicago, Ms. Christmas and Mr. Harris to transfer this case to the Northern District of Illinois is GRANTED. Defendants' motion to dismiss the complaint for lack of personal jurisdiction is DENIED as moot.

Entered this 16th day of July, 2007.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge