

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DARRYL CARTER,

Plaintiff,

-against-

U.S. DEPARTMENT OF JUSTICE,

Defendant.

21-CV-6242 (LTS)

TRANSFER ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is proceeding *pro se*, brings this action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. For the following reasons, the Court transfers the action to the United States District Court for the Eastern District of New York

Under FOIA, a claim must be brought in “the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia.” 5 U.S.C. § 552(a)(4)(B). Plaintiff alleges that he resides in Brooklyn, Kings County, and that on June 22, 2021, he requested records from the Federal Bureau of Investigation (FBI), but the FBI has yet to respond. Because Plaintiff does not reside in a county within this district, *see* 28 U.S.C. § 112, and it is unclear the location of any agency records, the Court concludes that the district in which Plaintiff resides is a proper venue for this action. Thus, in the interests of justice, *see* 28 U.S.C. § 1406(a), the Court transfers the action to the Eastern District of New York.

CONCLUSION

The Court transfers the action to the United States District Court for the Eastern District of New York.

The Court directs the Clerk of Court to terminate all motions filed in this action. Whether Plaintiff should be permitted to proceed further without payment of fees is a determination to be made by the transferee court. This order closes this case.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: August 4, 2021
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge