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2 UNITED STATES DISTRICT COURT  
3 EASTERN DISTRICT OF WASHINGTON  
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6 JONATHAN LEE RICHES,  
7 Plaintiff.

NO. CV-09-0041-JLQ

8 vs.

**ORDER DISMISSING ACTION  
AND ADMONISHING PLAINTIFF**

9  
10 PEANUT CORPORATION OF AMERICA,  
11 et al.,  
12 Defendants.

13 On February 6, 2009, the court received from Plaintiff, a prisoner at FCI  
14 Williamsburg in Salters, South Carolina, a document entitled "Preliminary Injunction,  
15 Temporary Restraining Order, TRO, 42 USC 1983" (Ct. Rec. 1). Plaintiff is advised, that  
16 a federal court may only address requests for injunctive relief in cases which are properly  
17 before the court, against Defendants over whom the court has jurisdiction.

18 Plaintiff has not filed a civil rights Complaint. He has not paid the filing fee or  
19 submitted an application to proceed *in forma pauperis*. Furthermore, this case must be  
20 dismissed *sua sponte* because proper venue does not lie in the Eastern District of  
21 Washington. Plaintiff alleges that while incarcerated in South Carolina he was forced to  
22 eat salmonella tainted peanut butter manufactured by Defendant Peanut Corporation of  
23 America, whose headquarters are in Virginia. Plaintiff has filed this action here merely  
24 based on his belief that the defendant Corporation operates a plant in this court's  
25 jurisdiction, though there is no contention this alleged plant was involved in the  
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1 manufacturing or distribution of any peanut butter.<sup>1</sup>

2 28 U.S.C. § 1391(b)(2) dictates that civil actions shall be brought in the judicial  
3 district in which a substantial part of the events giving rise to the claim occurred.

4 Moreover, 28 U.S.C. § 1406(a) provides that a district court shall dismiss a case with  
5 improper venue or, “if it be in the interest of justice, transfer such case to any district” in  
6 which venue is proper. The decision as to whether a transfer is in the interest of justice  
7 rests within the district court's discretion.

8 The court does not find it in the interest of justice to transfer this case to any other  
9 jurisdiction. The alleged acts are said to have occurred within the past three months, thus  
10 there is no statute of limitations risk. Moreover, this and many other courts have  
11 recognized that Plaintiff has been determined to be a "vexatious and abusive" litigant who  
12 has filed nearly 2000 cases nationwide while incarcerated. In just the last year in this  
13 district alone, he has filed 8 cases (including this one) which have been summarily  
14 dismissed or transferred to the District of South Carolina. As he has also done in  
15 numerous cases nationwide, he has also filed several frivolous motions to intervene in  
16 actions pending in this district in which he obviously has no interest.

17 The case at hand appears to be just one more in a pattern of pleadings filed by this  
18 Plaintiff in a distant jurisdiction for no apparent reason. Accordingly for the reasons  
19 stated above, **IT IS HEREBY ORDERED**, this action must be **DISMISSED** without  
20 prejudice.

21 Plaintiff has not heeded this court's prior admonishment set forth in *In Re DeAtley*,  
22 06-CV-0278 (Ct. Rec. 578). **Plaintiff is hereby warned that his ability to file future**  
23 **cases in this court will be enjoined if he continues to submit cases which he fails to**  
24 **properly pursue and prosecute, and/or continues to file cases which fail to state a**

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27 <sup>1</sup> The court notes the Defendant Corporation has since the filing of Plaintiff's claim,  
28 filed for Chapter 7 bankruptcy protection in the U.S. Bankruptcy Court for the Western  
District of Virginia.

1 **claim upon which relief may be granted or are deemed frivolous or malicious.**

2 **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order enter  
3 judgment of dismissal without prejudice, furnish copies to Mr. Riches and to the other  
4 Judges of this district, including Magistrate Judges, and close this file.

5 Dated this 23rd day of February, 2009.

6 s/ Justin L. Quackenbush  
7 JUSTIN L. QUACKENBUSH  
8 SENIOR UNITED STATES DISTRICT JUDGE  
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