

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

FILED
United States Court of Appeals
Tenth Circuit

JAN 27 1988

ROBERT L. HOECKER
Clerk

MARTIN LUTHER REED; CORNELIUS MAPLE,
JR.,

Plaintiffs-Appellants,

v.

JAMES DUNHAM; BOARD OF CORRECTIONS,
STATE OF OKLAHOMA; LARRY MEACHUM;
DEPT. OF CORRECTIONS, STATE OF
OKLAHOMA; ROBERT MITCHELL, II;
PARDON AND PAROLE BOARD,
STATE OF OKLAHOMA; DEPUTY WARDEN
BILL ROLLER; SECURITY MAJOR
GLENN RIDGEWAY; CORRECTIONAL OFFICER
CRITES; CORRECTIONAL OFFICER WRIGHT,

Defendants-Appellees.

No. 86-2889
(D.C. No. 86-315-C)
(E.D. Okla.)

ORDER AND JUDGMENT

Before SEYMOUR, BARRETT, and ANDERSON, Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1.8. The cause is therefore ordered submitted without oral argument.

Plaintiffs are permitted to proceed on appeal without payment of fees or costs. This appeal is taken from the district court's dismissal of plaintiff's action for lack of proper venue.

In this civil rights action brought under 42 U.S.C. § 1983, plaintiffs sought money damages and other relief based on an incident involving a knife fight while they were incarcerated at Stringtown Correctional Center in Stringtown, Oklahoma. Plaintiff Reed also sought various forms of relief from the Board of Corrections and/or Pardon and Parole Board which appear unrelated to the Stringtown incident.

About half the named defendants were personnel at Stringtown in the Eastern District of Oklahoma. The remaining defendants reside in the Western District. Thus, there is no single district in which all defendant's reside, at least as the complaint was originally fashioned.

However, the heart of the complaint involves the incident at Stringtown. Venue was therefore proper in the Eastern District. 28 U.S.C. § 1391(b).

Accordingly, the district court's judgment is REVERSED and the cause REMANDED for further proceedings.

The mandate shall issue forthwith.

ENTERED FOR THE COURT
PER CURIAM