

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION



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DAVID E. KELLY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:25-cv-01137-TWP-MKK
	)	
RAYMOND CEDRIC YOUNG,	)	
ZANDREA D. YOUNG (WOODS),	)	
DEJA HICKS,	)	
JOSEPH M. ARPAIO Former Sheriff,	)	
MARICOPA COUNTY SHERIFF'S	)	
DEPARTMENT,	)	
MARICOPA COUNTY SUPERIOR COURT,	)	
MARGARET BENNY Retired Judge,	)	
STEVEN LYNCH Judge,	)	
EBAY INC.,	)	
UNITED STATES ARMY PROCUREMENT	)	
DIVISION,	)	
JOHN DOES 1-116,	)	
	)	
Defendants.	)	

**ORDER TRANSFERRING CASE TO DISTRICT OF ARIZONA**

This matter is before the Court on *pro se* Plaintiff David Kelly's ("Kelly") request to proceed *in forma pauperis* (Dkt. 2), Motion for Court Assistance (Dkt. 3), and Motion to Appoint Counsel (Dkt. 4), and for screening of his Complaint for Copyright Infringement (Dkt. 1). However, a review of the Complaint reveals that this District Court is not the proper venue for Kelly's civil action. "A document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (citations and quotation marks omitted).

However, it is also well established that *pro se* litigants are not excused from compliance with procedural rules. The Supreme Court has never suggested that procedural rules in ordinary civil litigation should be interpreted so as to excuse mistakes by those who proceed without counsel. Further, as the Supreme Court has noted, in the long run, experience teaches that strict adherence to the procedural

requirements specified by the legislature is the best guarantee of evenhanded administration of the law.

*Feresu v. Trs. of Ind. Univ.*, No. 14-cv-1227, 2017 WL 1650500, at \*7 (S.D. Ind. May 2, 2017)

(citations and punctuation marks omitted).

Pursuant to the general venue statute,

A civil action may be brought in—

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or

(3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b).

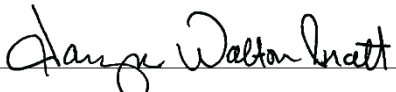
"Venue must be proper as to each claim in a multi-count action." *Rich-Mix Prods., Inc. v. Quikrete Cos.*, No. 98 C 6724, 1999 WL 409946, at \*1 (N.D. Ill. June 4, 1999); *see also Starr Indem. & Liab. Co. v. Luckey Logistics*, No. 16-cv-1377, 2017 WL 2466505, at \*2 (C.D. Ill. June 6, 2017) ("The plaintiff must show that venue is proper as to all defendants and all claims."). Under 28 U.S.C. § 1406(a), "[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." Thus, a case filed in the wrong district must either be dismissed or transferred to a proper district. *See Atl. Marine Const. Co. v. U.S. Dist. Court*, 571 U.S. 49, 56 (2013). Another statute, 28 U.S.C. § 1404, provides, "[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought."

There are no allegations in the Complaint that connect any events or parties to the Southern District of Indiana, except that Kelly resides in Indiana and the copyrighted image at issue was "stolen" from Kelly via Defendants' unlawful reproductions in Arizona.<sup>1</sup> Defendants Raymond Young, Zandrea Young, and Deja Hicks all reside in Phoenix, Arizona. Kelly also names several Arizona officials and agencies, including Sheriff Joe Arpaio, the Maricopa County Sheriff's Department, the Maricopa County Superior Court, and Maricopa County Superior Court Judges Margaret Benny and Steven Lynch (Dkt. 1 at 3). Defendants eBay Inc. and the United States Military and Army Procurement Divisions are not citizens of Arizona, but they have no apparent connection to Indiana for purposes of this lawsuit. *Id.* Further, the events at issue occurred in Arizona. The Complaint alleges that Defendants (Arizona citizens) unlawfully possessed, reproduced, and sold Kelly's photographs, and that Kelly previously litigated this dispute in a Maricopa County Superior Court.<sup>2</sup> The Complaint also challenges the Maricopa County Superior Court proceedings. Therefore, the Southern District of Indiana is an improper venue for this action, and it appears that the District of Arizona, Phoenix Division, is the proper venue.

For the foregoing reasons, the Court concludes that transferring this civil action to the proper venue is appropriate. The **Clerk is directed to transfer** this matter to the United States District Court for the District of Arizona, Phoenix Division.

**SO ORDERED.**

Date: 6/17/2025

  
 Hon. Tanya Walton Pratt, Chief Judge  
 United States District Court  
 Southern District of Indiana

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<sup>1</sup> Kelly alleges that "his business Big League Photos LLC is registered in Indiana" (Dkt. 1 at 3), but according to the Indiana Secretary of State's website, Big League Photos LLC was administratively dissolved in 2014. <https://bsd.sos.in.gov/PublicBusinessSearch/BusinessFilings>. Kelly also alleges that "the break-in and theft of the original negative and family documents . . . occurred in this District," *id.*, but the Defendants in this action are not alleged to have committed theft. The alleged copyright violations at issue in this case took place outside of Indiana.

<sup>2</sup> Kelly also raised similar claims in the District of Arizona in *Kelly v. Maricopa County Sheriff's Office*, No. 2:15-cv-02572-GMS (D. Ariz. Dec. 18, 2015). Kelly was represented by counsel in that earlier federal action.

Distribution:

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