

**IN THE CIRCUIT COURT OF
FAYETTE COUNTY, WEST VIRGINIA**

KENNETH EDWARD CHANCE, JR.,

Plaintiff,

vs.

CIVIL ACTION NO. 07-C-53-H

**GEORGE HILL, Superintendent,
WV Correctional Industries,
Mount Olive Correctional Complex,
in his individual and official capacities,**

Defendant.

FAYETTE COUNTY
CIRCUIT CLERK
2008 APR 15 P 3:25
DANIEL E. WRIGHT

ORDER

On February 15, 2007 the Plaintiff, pro se, instituted the above-styled civil action in the Circuit Court of Fayette County against the Defendant in his official capacity and individually, seeking money damages and other relief.

By an Order entered February 15, 2007 the Court, pursuant to Chapter 14, Article 2, Section 2 of the West Virginia Code, transferred said civil action to the Circuit Court of Kanawha County, the proper venue for said civil action.

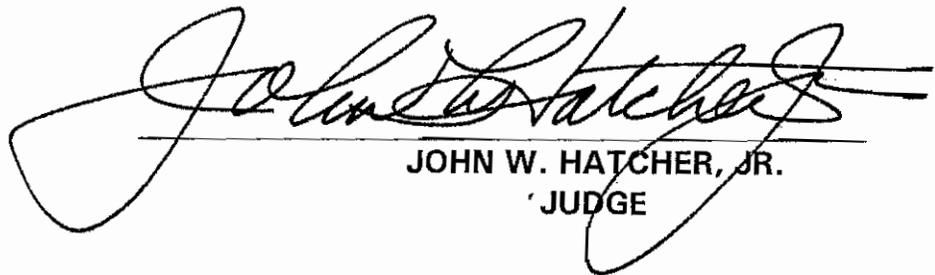
By an Order entered April 4, 2008, Tod J. Kaufman, Judge of the Circuit Court of Kanawha County, West Virginia, entered an Order transferring the above-styled civil action to the Circuit Court of Fayette County, West Virginia, making, in said Order, a variety of pleasant sounding, but wholly irrelevant, findings of fact which fly clearly in the face of the specific provisions of Chapter 14, Article 2, Section 2 of the West Virginia Code.

Notwithstanding the aforementioned findings of fact made by the Circuit Court of Kanawha County, the proper venue, provided for specifically by the aforementioned Code provision, is clearly and unmistakably in the Circuit Court of Kanawha County, West Virginia.

Accordingly, it is **ORDERED** that the above-styled civil action be and the same is hereby **DISMISSED**, without prejudice.

The Clerk shall, forthwith, mail attested copies of this Order to Kenneth Edward Chance, Jr., Inmate No. 13705, Mount Olive Correctional Complex, One Mountainside Way, Mount Olive, West Virginia 25185; George Hill, Superintendent, Mount Olive Correctional Complex, One Mountainside Way, Mount Olive, West Virginia 25185; Rory L. Perry, II, Clerk of the Court, Supreme Court of Appeals of West Virginia, State Capitol, Room 317, 1900 Kanawha Boulevard, East, Charleston, West Virginia 25305 and Judge Tod J. Kaufman, Kanawha County Judicial Annex, 111 Court Street, Charleston, West Virginia 25301.

ENTERED this the 15th day of April, 2008.



JOHN W. HATCHER, JR.
JUDGE

A TRUE COPY of an order entered

April 15, 2008

Teste: Daniel E. Wright
Circuit Clerk Fayette County, WV