

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Plaintiff,

v.

AL SCHMIDT, in his official capacity as
Secretary of the Commonwealth for the
Commonwealth of Pennsylvania,

Defendant.

CASE NO: 2:25-cv-01481-CB

MOTION FOR ORDER TO TRANSFER
VENUE PURSUANT TO 28 U.S.C. §
1404(a)

RETRIEVED FROM DEMOCRACYDOCKET.COM

MOTION FOR ORDER TO TRANSFER VENUE

Plaintiff, UNITED STATES OF AMERICA, by and through the Attorney General, pursuant to 28 U.S.C. § 1404(a), or in the alternative, 28 U.S.C. § 1406(a), hereby moves this Honorable Court for an Order to transfer Case No. 2:25-cv-01481–CB to the Federal District Court for the Middle District of Pennsylvania. The Attorney General offers the attached Memorandum of Law and Proposed Order in Support of its Motion to Transfer venue to Federal District Court for the Middle District of Pennsylvania.

Introduction

For the convenience of the parties and in the interest of justice, the United States moves to transfer this action to the Middle District of Pennsylvania, where the principal office of Secretary Schmidt is located. Defendant and Defendant-Intervenors have reserved their right to take a position on this Motion based on what the United States files here.

Venue transfers between federal courts are governed by two statutes. *See* 28 U.S.C. §§ 1404(a), 1406(a). Section 1404 states in pertinent part that “[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 court or division where it might have been brought.” 28 U.S.C. § 1404(a). Section 1406 provides that “[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.” 28 U.S.C. § 1406(a).

Although the Attorney General believes that the electronic nature of the records demanded within this case makes venue for the Western District of Pennsylvania proper, Defendant and Defendant Intervenors have claimed by way of Motions to Dismiss that the Western District of Pennsylvania as an improper venue. Therefore, the United States moves to

transfer this action to the Middle District of Pennsylvania pursuant to Section 1404(a), or in the alternative, Section 1406(a).

Prayer for Relief

For the foregoing reasons of convenience to the parties and in the interests of justice, Plaintiff requests that this Court enter an Order to transfer venue. Plaintiff further requests this Court to specifically:

- A. Order case this case transferred to the United States District Court for the Middle District of Pennsylvania.

DATED: January 29, 2026

Respectfully submitted,

HARMEET K. DHILLON
Assistant Attorney General
Civil Rights Division

ERIC V. NEFF
Acting Chief, Voting Section
Civil Rights Division

/s/ Megan Frederick
TIMOTHY F. MELLETT (DC Bar No. 430968)
MEGAN FREDERICK (VA Bar No. 79682)
Attorneys, Voting Section
Civil Rights Division
950 Pennsylvania Avenue 4CON
Washington, DC 20530
Timothy.F.Mellett@usdoj.gov
Megan.Frederick@usdoj.gov
Tel. (202) 307-2767

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2026, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Megan Frederick
TIMOTHY F. MELLETT (DC Bar No. 430968)
MEGAN FREDERICK (VA Bar No. 79682)
Attorneys, Voting Section
Civil Rights Division
950 Pennsylvania Avenue 4CON
Washington, DC 20530
Timothy.F.Mellett@usdoj.gov
Megan.Frederick@usdoj.gov
Tel. (202) 307-2757

RETRIEVED FROM DEMOCRACYDOCKET.COM