

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

David Aranovsky v. Ralph J. Porzio, et al.

Aranovsky · No. 1:26-cv-1181-GHW · Decided February 25, 2026

SUMMARY

The United States District Court for the Southern District of New York ordered the transfer of this civil action to the Eastern District of New York under 28 U.S.C. § 1404(a). The court concluded that the convenience of the witnesses and parties, the location of relevant evidence, and the locus of operative facts favored transfer, and it denied in forma pauperis status for any appeal.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Gregory H. Woods
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	February 25, 2026
DOCKET	1:26-cv-1181-GHW
DISPOSITION	remanded
PROCEDURAL POSTURE	The district court issued an order to show cause regarding venue and, after considering Plaintiff's response, transferred the action sua sponte under 28 U.S.C. § 1404(a) to the Eastern District of New York.
STANDARD OF REVIEW	District courts have broad discretion to determine convenience and fairness under 28 U.S.C. § 1404(a), considering the relevant factors on a case-by-case basis.
PRECEDENTIAL VALUE	Unknown; district-court order

TOPICS

- venue
- civil procedure

PRACTICE AREAS

- civil procedure
- venue

QUESTIONS PRESENTED

1. Whether the action should be transferred sua sponte from the Southern District of New York to the Eastern District of New York under 28 U.S.C. § 1404(a).
2. Whether an appeal from the transfer order would be taken in good faith for purposes of in forma pauperis status.

HOLDINGS

1. A district court may transfer a civil action on its own initiative under 28 U.S.C. § 1404(a) when the convenience of the parties and witnesses and the interests of justice favor another district in which the action might have been brought.
2. Any appeal from the order would not be taken in good faith, so in forma pauperis status is denied for purposes of an appeal.

KEY QUOTATIONS

“District courts have broad discretion in making determinations of convenience under Section 1404(a) and notions of convenience and fairness are considered on a case-by-case basis.”

“The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal.”

FACTUAL BACKGROUND

Plaintiff selected the Southern District of New York as the forum and expressed a preference to remain there. The Court determined that the convenience of the witnesses and parties, the location of relevant evidence, and the locus of operative facts favored the Eastern District of New York. On the totality of the circumstances, the Court found that the interests of justice supported transfer.

PROCEDURAL HISTORY

Plaintiff filed this civil-rights action in the Southern District of New York. After issuing an order to show cause, the Court considered Plaintiff's letter response and concluded that the interests of justice favored transfer to the Eastern District of New York. The Clerk was directed to transfer the case without delay, and the Court denied in forma pauperis status for any appeal by certifying that an appeal would not be taken in good faith.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Clerk of Court was directed to transfer the case to the Eastern District of New York without delay. The order does not use the term remand, but directs transfer to another federal district.

CASES CITED

- D.H. Blair & Co. v. Gottdiener, 462 F.3d 95, 106 (2d Cir. 2006)

- Bank of Am., N.A. v. Wilmington Trust FSB, 943 F. Supp. 2d 417, 426-27 (S.D.N.Y. 2013)
- Cento v. Pearl Arts & Craft Supply Inc., No. 03-CV-2424, 2003 WL 1960595, at *1 (S.D.N.Y. Apr. 24, 2003)
- Keitv. N.Y. City, 882 F. Supp. 2d 412, 459-60 (.D.N.Y. 2011)
- Coppedge v. United States, 369 U.S. 438, 444-45 (1962)

OPINION

UNITED STATES DISTRICT COURT ELECTRONICALLY FILED DOC #:
 _____ SOUTHERN DISTRICT OF NEW YORK DATE FILED: 2/25/2026 -----
 ----- X DAVID ARANOVSKY, Plaintiff, 1:26-cv-
 1181-GHW -v-: ORDER RALPH J. PORZIO, et al., Defendants.: -----
 ----- X GREGORY H. WOODS, United States District Judge: The Court thanks
 Plaintiff for his letter in response to the Court's order to show cause.

See Dkt. No. 9. As discussed in that order, under 28 U.S.C. § 1404(a), “[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 or to any district or division to which all parties have consented.” “District courts have broad discretion in making determinations of convenience under Section 1404(a) and notions of convenience and fairness are considered on a case-by-case basis.” D.H.

Blair & Co. v. Gottdiener, 462 F.3d 95, 106 (2d Cir. 2006). Moreover, courts may transfer cases on their own initiative. See Bank of Am., N.A. v. Wilmington Trust FSB, 943 F. Supp. 2d 417, 426–27 (S.D.N.Y. 2013) (“Courts have an independent institutional concern to see to it that the burdens of litigation that is unrelated to the forum that a party chooses are not imposed unreasonably on jurors and judges who have enough to do in determining cases that are appropriately before them.

The power of district courts to transfer cases under Section 1404(a) sua sponte therefore is well established.” (quoting Cento v. Pearl Arts & Craft Supply Inc., No. 03-CV-2424, 2003 WL 1960595, at *1 (S.D.N.Y. Apr. 24, 2003))).

To determine whether transfer is appropriate, courts consider the following factors: (1) the convenience of witnesses; (2) the convenience of the parties; (3) the locus of operative facts; (4) the availability of process to compel the attendance of the unwilling witnesses; (5) the location of relevant documents and the relative ease of access to sources of proof; (6) the relative means of the parties; (7) the forum's familiarity with the governing law; (8) the weight accorded to the plaintiffs choice of forum; (9) trial efficiency; and (10) the interest of justice, based on the totality of circumstances.

Keitv. N.Y. City, 882 F. Supp. 2d 412, 459-60 (.D.N.Y. 2011). The Court recognizes that Plaintiff would prefer to stay in this District, as he chose this forum. Dkt. No. 9. Having considered the

relevant factors, the Court believes that the interests of justice are better served by transferring this case to the Eastern District of New York.

Although Plaintiff's choice of forum weighs against transfer, several other factors—including the convenience of witnesses and parties, the location of relevant evidence, and the locus of operative facts—weigh in favor of transfer.

As a result, this case will be transferred to the Eastern District of New York. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to transfer this case to the Eastern District of New York without delay. SO ORDERED. Dated: February 25, 2026 New York, New York / { . { A Deneod __- GRE H. WOODS United States District Judge