

confined at the Lewis Unit located in Woodville, Texas. However, his claims arose at a prison facility located in Fort Stockton, Texas. Fort Stockton is located in Pecos County, Texas. When public officials are parties to an action in their official capacities, they reside, for venue purposes, in the county where they perform their official duties, which in this case is Pecos County. *Holloway v. Gunnell*, 685 F.2d 150 (5th Cir. 1982); *Lowrey v. Estelle*, 433 F.2d 265 (5th Cir. 1976). In accordance with 28 U.S.C. § 124, Pecos County, Texas is located within the jurisdictional boundaries of the United States District Court for the Western District of Texas, Pecos Division.

As Fort Stockton, Texas is located within the jurisdictional boundaries of the United States District Court for the Western District of Texas, venue in the Eastern District of Texas is not proper. When venue is not proper, the court “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). This case should be transferred to the United States District Court for the Western District of Texas, Pecos Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this the 26th day of January, 2023.



Christine L Stetson
UNITED STATES MAGISTRATE JUDGE