

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

ANDRE'A D. JOHNSON §  
VS. § CIVIL ACTION NO. 9:23-CV-143  
USP BEAUMONT, *et al.*, §

**MEMORANDUM OPINION REGARDING VENUE**

Plaintiff, Andre'a D. Johnson, an inmate currently confined at USP Beaumont in Beaumont, Texas, proceeding *pro se*, filed this *Bivens*-type action<sup>1</sup> against Defendants USP Beaumont, USP Beaumont Medical Dept., I Benitez, FNU Hernandez, and FNU Carson.

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

Venue in a *Bivens*-type action is determined pursuant to 28 U.S.C. § 1391(b). When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where all the defendants reside or in which a substantial part of the events or omissions giving rise to the claim occurred. Venue is proper in the Eastern District of Texas.

Plaintiff's complaint, however, pertains to incidents that occurred during his confinement at USP Beaumont, located in the Beaumont Division of the Eastern District of Texas. A district

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<sup>1</sup> See *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

court has the authority to transfer a case in the interest of justice to another district or division in which the action might have been brought. *See* 28 U.S.C. §§ 1404, 1406. USP Beaumont is located in Jefferson County, Texas which lies within the jurisdiction of the Beaumont Division of the Eastern District of Texas. Therefore, in the interest of justice, and for the convenience of the parties and witnesses, all claims against the defendants should be transferred to the Beaumont Division of the Eastern District of Texas. An appropriate order so providing will be entered by the undersigned.

SIGNED this 30th day of August, 2023.



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Zack Hawthorn  
United States Magistrate Judge