

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

THOMAS HOLLIS,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:07-CV-431-WHA
)	[WO]
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

In this *Bivens* action,¹ Thomas Hollis [“Hollis”], a federal inmate incarcerated at the United States Penitentiary Big Sandy in Inez, Kentucky, challenges the constitutionality of the medical treatment provided to him at the aforementioned prison facility. The United States Penitentiary Big Sandy is located within the jurisdiction of the United States District Court for the Eastern District of Kentucky.

Upon review of the factual allegations presented in the complaint, the court concludes that this case is due to be transferred to the United States District Court for the Eastern District of Kentucky pursuant to 28 U.S.C. § 1404.²

A civil action filed by an inmate “may be brought ... in (1) a judicial district where

¹ *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d 619 (1971).

² Hollis did not file an affidavit in support of a request for leave to proceed *in forma pauperis*. However, in light of the April 1996 revisions to 28 U.S.C. § 1915 and under the circumstances of this case, any such request should be filed with and addressed by the United States District Court for the Eastern District of Kentucky.

any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred ... or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b). The law further provides that “[f]or the convenience of parties and witnesses, [and] in the interest of justice, a district court may transfer any civil action to any other district ... where it might have been brought.” 28 U.S.C. § 1404(a).

Those persons responsible for the plaintiff’s medical treatment reside in the Eastern District of Kentucky. Moreover, the actions about which the plaintiff complains are occurring within the jurisdiction of the United States District Court for the Eastern District of Kentucky. Thus, the claims presented by the plaintiff are beyond the venue of this court. However, it is clear from the face of the complaint that the proper venue for this cause of action is the United States District Court for the Eastern District of Kentucky. Accordingly, in the interest of justice and for the convenience of the parties, it is

ORDERED that this case be transferred to the United States District Court for the Eastern District of Kentucky pursuant to the provisions of 28 U.S.C. § 1404.

Done this 18th day of May, 2007.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE