

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

GREGORY L. HAMILTON, JR.
ADC #171882

PLAINTIFF

V.

No. 4:21-CV-473-KGB-JTR

RICO WILLIAMS, Corporal, Ouachita River Unit, ADC;
ISSAC EMERSON, Corporal, Ouachita River Unit, ADC;
JIMMY COLEMAN, Major, Ouachita River Unit, ADC;
DEXTER PAYNE, Director, ADC;
JAMES GIBSON, Warden, Varner Supermax Unit, ADC;
CULCLAGER, Warden, Ouachita River Unit, ADC; and
S. FRANK, Sgt., Varner Supermax Unit, ADC

DEFENDANTS

TRANSFER ORDER

Plaintiff Gregory L. Hamilton, Jr., a prisoner in the Varner Unit of the Arkansas Department of Correction (“ADC”), has filed a *pro se* § 1983 Complaint alleging that Defendants violated his constitutional rights while he was incarcerated in the ADC’s Ouachita River Unit (“ORU”). Specifically, he alleges that: Defendant Corporals Rico Williams (“Williams”) and Issac Emerson (“Emerson”) used excess force against him on December 2, 2020; Defendant Major Jimmy Coleman (“Coleman”) and Warden Culclager (“Culclager”) knew of the December 2 incident but were deliberately indifferent to Williams’ and Rico’s use of excess force; Defendant Director Dexter Payne (“Payne”) was deliberately indifferent when he

reviewed the use of excess force during the disciplinary appeals process; and Defendants Warden James Gibson (“Gibson”), Sergeant S. Frank (“Frank”), Payne, and Culclager denied him due process during his disciplinary hearing and appeals. *See Doc. 2.* Defendants Williams, Emerson, Coleman, and Culclager work at the ORU. In contrast, Defendants Gibson and Frank work at the Varner Unit in Grady; and Defendant Payne works at the ADC’s Central Office in Pine Bluff.

The federal venue statute provides that, in a case that is not based on diversity jurisdiction, venue is proper in the judicial district where “any defendant resides” or “a substantial part of the events or omissions giving rise to the claim occurred.” *See* 28 U.S.C. § 1391(b). The events giving rise to this action occurred at the ORU, which is located in Hot Spring County. Similarly, the Defendants who were most directly involved in the alleged constitutional violations reside in Hot Spring County.

Hot Spring County is located in the Hot Springs Division of the United States District Court for the Western District of Arkansas. The Court concludes that the interest of justice will best be served by transferring the case to that federal court. *See* 28 U.S.C. § 1404(a) (“For 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[.]”).

IT IS THEREFORE ORDERED THAT this case is IMMEDIATELY TRANSFERRED to the United States District Court for the Western District of Arkansas, Hot Springs Division.

DATED this 7th day of June, 2021.


UNITED STATES MAGISTRATE JUDGE