

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CHRISTOPHER H. WEST,)
)
Plaintiff,)
)
v.) Civ. Action No. 14-396-GMS
)
WARDEN MCFADDEN and)
DR. GESSNER,)
)
Defendants.)

MEMORANDUM ORDER

At Wilmington this *4th* day of *Sept*, 2014;

IT IS ORDERED that the Clerk of Court is directed to transfer this action to the United States District Court for the Eastern District of Pennsylvania, for the reasons that follow:

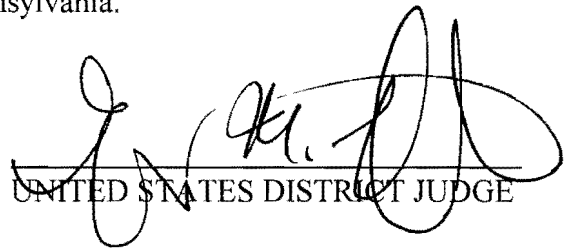
The plaintiff, Christopher H. West (“West”), an inmate at the James T. Vaughn Correctional Center (“VCC”), Smyrna, Delaware, filed this lawsuit pursuant to 42 U.S.C. § 1983.¹ (D.I. 2.) He appears *pro se* and was granted permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915, and following payments, has paid the filing fee in full. (D.I. 6, 8.)

West alleges sexual harassment and unlawful conditions of confinement in violation of his constitutional rights during the time he was housed at the Chester County Prison in West Chester, Pennsylvania. The two named defendants, Warden McFadden and Dr. Gessner are both located in Pennsylvania. The alleged wrongful acts appear to have occurred exclusively within the Eastern District of Pennsylvania. Only West, by reason of his transfer to the VCC, appears to have any connection to this federal judicial district, the District of Delaware.

¹When bringing a § 1983 claim, a plaintiff must allege that some person has deprived him of a federal right, and that the person who caused the deprivation acted under color of state law. *West v. Atkins*, 487 U.S. 42, 48 (1988).

Venue is not proper in this federal judicial district based upon the court's review of the facts alleged in the complaint. It is clear that "a substantial part of the events or omissions giving rise to [West's] claim[s] occurred" within the Eastern District of Pennsylvania and that all defendants are located within the Eastern District of Pennsylvania. *See* 28 U.S.C. § 1391(b)(1) and (2).

For the above reasons, the Clerk of Court is directed to transfer this action the United States District Court for the Eastern District of Pennsylvania.



UNITED STATES DISTRICT JUDGE