

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 09-22754-CIV-SEITZ/WHITE**

ANTHONY L. MOORE,

Plaintiff,

v.

WALTER A. McNEIL, et al.,

Defendants.

ORDER AFFIRMING AND ADOPTING REPORT OF MAGISTRATE JUDGE

THIS MATTER is before the Court upon the Report of Magistrate Judge issued by the Honorable Patrick A. White, United States Magistrate Judge [DE-130]. In the Report, Magistrate Judge White recommends that Plaintiff's Motion for Temporary Restraining Order [DE-129] be denied for improper venue and directs Plaintiff to file his pleading in the Middle District of Florida, pursuant to 28 U.S.C. § 1391(b). While Plaintiff has filed Objections to the Report [DE-131], he has not addressed the issue of venue.

Plaintiff's motion seeks a temporary restraining order against various officials at Union Correctional Institution, where the Plaintiff was confined at the time he filed his motion.¹ Union Correctional Institution is located in Union County, Florida, which is part of the Middle District of Florida. Pursuant to 28 U.S.C. § 1391(b)(2), venue is appropriate in the "judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated." Thus, Plaintiff's motion was not filed in the appropriate venue because the actions giving rise to the claim occurred in the Middle District of

¹Subsequently, Plaintiff was transferred to Florida State Prison in Raiford, Florida.

Florida. The Court also notes that the Temporary Restraining Order sought by Plaintiff is unrelated to the case before the Court. The case before the Court involves incidents that occurred at a different correctional facility and involves different Defendants than the people against whom Plaintiff seeks the restraining order. Thus, it appears that Plaintiff should have filed a new action against the people named in his motion and should have filed it in the Middle District of Florida.


Having carefully reviewed, *de novo*, Magistrate Judge White's Report, the Objections, and the record, it is hereby

ORDERED that:

(1) The above-mentioned Report of Magistrate Judge [DE-130] is AFFIRMED and ADOPTED.

(2) Plaintiff's Motion for Temporary Restraining Order [DE-129] is DENIED.

DONE and ORDERED in Miami, Florida, this 3rd day of February, 2012.


PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE

cc: Magistrate Judge White
All counsel of record/*Pro se party*