

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE**

JOSHUA EWING

PLAINTIFF

v.

CIVIL ACTION NO. 3:14CV-P864-JGH

FCI TERRE HAUTE *et al.*

DEFENDANTS

MEMORANDUM AND ORDER

Plaintiff Joshua Ewing, a prisoner presently incarcerated at the Federal Correctional Institution (FCI) in Terre Haute, Indiana, filed a letter with the Court complaining of alleged constitutional violations at FCI Terre Haute and requesting the Court to investigate the facility. The Court construes Plaintiff's filing as an action brought pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

Title 28 U.S.C. § 1391 governs the venue of civil actions brought in federal district courts. Under § 1391(b), a civil action may be brought in:

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a 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; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

According to Plaintiff's complaint, the Defendants are located in Terre Haute, Indiana.

Terre Haute, Indiana, is located in Vigo County, which is located in the Southern District of Indiana. 28 U.S.C. § 94(b). Additionally, the events about which Plaintiff complains occurred in the Southern District of Indiana. Therefore, proper venue for this complaint lies in the Southern District of Indiana. 28 U.S.C. § 1391(b).

Under 28 U.S.C. § 1406(a), “[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” In the interest of justice,

IT IS ORDERED that the instant action shall be TRANSFERRED to the United States District Court for the Southern District of Indiana, Terre Haute Division in Terre Haute, Indiana, pursuant to 28 U.S.C. § 1406(a) for all further proceedings. All further filings shall be filed with that court and all further deficiencies addressed therein.

Date:

cc: Plaintiff, *pro se*
Clerk, Southern District of Indiana
4412.003