

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

CLARENCE HICKS, #33284-037,	*
Plaintiff	*
v.	* CIVIL NO. ELH-17-1563
WARDEN,	*
Defendant	*

**MEMORANDUM**

Clarence Hicks, a federal prisoner confined at FCI-Allenwood, Pennsylvania, submitted correspondence concerning his placement in the Segregated Housing Unit (“SHU”) following an incident on May 30, 2017, involving Hicks and his cellmate. Because the correspondence requested action from the Court, it has been construed as a civil action pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388, 395-97 (1971).

Hicks was convicted in this court in 1999 of conspiracy to distribute cocaine and cocaine base.<sup>1</sup> See *United States v. Hicks*, Criminal No. ELH-98-0259 (D. Md.). He appears close to completion of his sentence, which was reduced by Judge J. Frederick Motz on June 17, 2015, to a term of 262 months. *Id.*, ECF 866. Hicks’s concerns regarding the incident on May 30, 2017, may be actionable. But, his case is not properly before this court.

Review of the merits of Hicks’s allegations would invoke this court’s jurisdiction. Under 28 U.S.C. § 1391(b), a civil action may be brought in the judicial district in which any defendant resides, if all defendants reside in the State in which the district is located; in a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, except as

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<sup>1</sup> The criminal case was assigned to the Honorable Benson Legg, who has since retired. Therefore, it was reassigned to me in 2012.

otherwise provided by law; or, if there is no district in which an action may otherwise be brought under this section, in any judicial district where any defendant is subject of the court's personal jurisdiction.

In this case, Hicks is in the custody of the warden at the Federal Correctional Institution-Allenwood, located in White Deer, Pennsylvania. That federal facility is located within the jurisdiction of the United States District Court for the Middle District of Pennsylvania. Hicks may bring a claim concerning the incident in that court, following the exhaustion of available administrative remedies. But, the instant action shall be dismissed for lack of jurisdiction.

A separate Order follows.

Date: June 14, 2017

\_\_\_\_\_/s/\_\_\_\_\_  
Ellen L. Hollander  
United States District Judge