

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDAVEON HARRIS,

Plaintiff,

v.

MICHIGAN DEPARTMENT OF
CORRECTIONS and MILLER,

Defendants.

Case No. 21-cv-12104

Honorable Laurie J. Michelson

**ORDER TRANSFERRING CASE TO THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF
MICHIGAN**

Pro se prisoner Edaveon Harris sued the Michigan Department of Corrections and correctional officer Miller for alleged violations of Harris's constitutional rights under 42 U.S.C. § 1983. Harris is presently confined at the Carson City Correctional Facility in Carson City, Michigan. Having reviewed the complaint, the Court concludes that venue is not proper in this district and transfers the case to the United States District Court for the Western District of Michigan pursuant to 28 U.S.C. § 1406(a).

The proper venue for civil actions in which jurisdiction is not based on diversity of citizenship is the judicial district where: (1) any defendant resides if all defendants reside in the same state; (2) a substantial part of the events or omissions giving rise to the claim occurred or a substantial part of the

property in question is situated; or (3) any defendant may be found if there is no other district in which plaintiff may bring the action. *See* 28 U.S.C. § 1391(b). Public officials “reside” in the county where they serve. *See O’Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). “[T]he court must determine whether the case falls within one of the three categories set out in § 1391(b). If it does, venue is proper; if it does not, venue is improper, and the case must be dismissed or transferred under § 1406(a).” *Atlantic Marine Const. Co. v. U.S. Dist. Court for W. Dist. Of Texas*, 571 U.S. 49, 55 (2013). If venue is improper in the district where a case is filed, but would be proper in another district, “a district court has the power to *sua sponte* transfer [the] case” under section 1406(a). *Cosmichrome, Inc. v. Spectra Chrome, LLC*, 504 F. App’x 468, 472 (6th Cir. 2012).

The complaint names two defendants, the Michigan Department of Corrections (MDOC) and correctional officer Miller. MDOC is based in Lansing, Michigan in Ingham County. Miller is employed at the Carson City Correctional Facility in Montcalm County. Both Lansing and Carson City are in the Western District of Michigan. *See* 28 U.S.C. § 102(b)(1). Nothing in the complaint indicates that the relevant facts took place in the Eastern District of Michigan. (*See* ECF No. 1, PageID.7.) Because both defendants reside in the Western District and Harris alleges that all events giving rise to this action took place in the Western District, venue is not proper in the Eastern District.

The case will therefore be transferred to the Western District of Michigan, where venue is proper.

The Clerk of Court is ordered to transfer this case to the United States District Court for the Western District of Michigan.

SO ORDERED.

Dated: September 17, 2021

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE