

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT W. JOHNSON,

Plaintiff,

v.

Civil Case No. 22-12094
Honorable Linda V. Parker

NORTH CENTRAL OHIO
REHABILITATION CENTER,
TRAVIS B. STILLION, INDER
F. LEVESQUE, STEPHANIE L.
SCHOOLCRAFT, FISHEL, DOWNEY,
ALBRECHT & RIEPENHOFF LLP,
MADHU SINGH, LORI BARRERAS, J. RITA
MCNEIL DANISH, WILLIAM PATMON III,
ANGELA PHELPS-WHITE, CHARLIE WINBURN,
MIKE DEWINE and OHIO CIVIL RIGHTS
COMMISSION,

Defendants.

**ORDER TRANSFERRING VENUE TO THE NORTHERN DISTRICT OF
OHIO**

On September 6, 2022, Plaintiff filed a Complaint in this District against Defendants, claiming employment discrimination. (ECF No. 1.) Plaintiff, who resides in Watertown, New York, also submitted an application to proceed in forma pauperis (“IFP”). (ECF No. 2.) According to Plaintiff, Defendants can be found in Toledo, Ohio. (ECF No. 1 at Pg ID 5.)

Under 28 U.S.C. § 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.

Where a case is filed in the wrong venue, the district court must dismiss it, "or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406(a).

No Defendant resides in Michigan. Instead, Defendants reside in Toledo, Ohio, which is in Lucas County, Ohio. Lucas County falls within the Northern District of Ohio, Western Division. 28 U.S.C. § 115(a)(2).

Plaintiff alleges discrimination in employment with Defendant North Central Ohio Rehabilitation Center. (ECF No. 1 at Pg ID 7.) As such, it appears the events giving rise to the current lawsuit occurred in Ohio. Notably, Plaintiff attaches to his Complaint a Notice of Right to Sue from the Ohio Civil Rights Commission. (*Id.* at Pg ID 6.) That notice informed Plaintiff that he could file a civil action against the State of Ohio, Department of Youth Services, North Central

Ohio Rehabilitation Center “in any State of Ohio court” with jurisdiction over the matter. (*Id.*)

For these reasons, the Court finds that venue of Plaintiff’s action is not proper in this District.¹ The Court further determines that it is in the interest of justice to transfer this action to the United States District Court for the Northern District of Ohio, Western Division. The Court makes no determination as to the sufficiency of the Complaint or the merits of Plaintiff’s IFP application.

Accordingly,

IT IS ORDERED that the Clerk of the Court shall transfer this action to the United States District Court for the Northern District of Ohio, Western Division.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: September 19, 2022

¹ Plaintiff indicates in his initial filing that he is seeking a change of venue (presumably to the current district) “due to conflicts of interests.” (*Id.* at Pg ID 2.) However, he fails to explain what those conflicts are. In any event, the proper procedure is for Plaintiff to file his action in the district where venue is proper and then seek a change in venue pursuant to 28 U.S.C. § 1412.

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, September 19, 2022, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan

Case Manager