

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRENCE TERRELL MOORE,

Plaintiff,

Case No. 1:25-cv-188

v.

Honorable Ray Kent

JEFF TANNER et al.,

Defendants.

ORDER OF TRANSFER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Plaintiff presently is incarcerated at the Macomb Correctional Facility (MRF) in New Haven, Macomb County, Michigan, and the events giving rise to Plaintiff's action also occurred at MRF. Plaintiff sues the following MRF staff: Warden Jeff Tanner, Deputy Warden Unknown Howard, Assistant Deputy Warden Unknown Tipa, Physician Assistant Unknown Farris, and Healthcare Services. In his *pro se* complaint, Plaintiff alleges that Defendants have exhibited deliberate indifference to Plaintiff's medical condition of chronic obstructive pulmonary disease. (ECF No. 1, generally.)

Under the revised venue statute, venue in federal-question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). The events underlying the complaint occurred in Macomb County. Plaintiff alleges that Defendant Healthcare Services is located within Macomb County, and the individual Defendants are public officials serving in Macomb County, meaning that they "reside" in that county for purposes of venue over a suit challenging official acts, *see Butterworth v. Hill*, 114 U.S. 128, 132 (1885); *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). Macomb

County is within the geographical boundaries of the Eastern District of Michigan. 28 U.S.C. § 102(a). In these circumstances, venue is proper only in the Eastern District. Therefore:

IT IS ORDERED that this case be transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1406(a). **It is noted that this Court has not decided Plaintiff's motion to proceed *in forma pauperis*, nor has the Court reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).**

Dated: March 12, 2025

/s/ Ray Kent
Ray Kent
United States Magistrate Judge