Thompson #726007 v. Caldwell et al Doc. 3

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LANIER THOMPSON,

Plaintiff,

v.

UNKNOWN CALDWELL et al.,

Defendants.
_____/

Case No. 1:17-cv-186

Honorable Robert J. Jonker

ORDER OF TRANSFER

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. Plaintiff presently is incarcerated at the Gus Harrison Correctional Facility in Adrian, Michigan. Plaintiff sues the following correctional officers employed at the Gus Harrison Correctional Facility: (unknown) Caldwell, Steven Sundstrom, P. Klee, Gayline Gibbs and (unknown) Vandercook. In his *pro se* complaint, Plaintiff alleges that Defendants violated his Eighth Amendment right against cruel and unusual punishment.

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 giving rise to Plaintiff's action occurred at the Gus Harrison Correctional Faclity, which is located in Lenawee County. Lenawee County is within the geographical boundaries of the Eastern District of Michigan. 28 U.S.C. § 102(a). Defendants are public officials serving in Lenawee County, and 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);

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O'Neill v. Battisti, 472 F.2d 789, 791 (6th Cir. 1972). 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).**

IT IS SO ORDERED.

Dated: March 9, 2017

/s/ Ray Kent
RAY KENT
United States Magistrate Judge