

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEON TAYLOR,

Plaintiff,

v.

D. KIMMEL,

Defendant.

CASE NO. 5:17-cv-13696

HONORABLE JOHN CORBETT O'MEARA

ORDER TRANSFERRING THIS CASE TO THE WESTERN DISTRICT OF MICHIGAN

Plaintiff Leon Taylor, a state prisoner currently confined at the Macomb Correctional Facility in New Haven, Michigan, recently filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. The complaint and attached exhibits allege that, earlier this year while Plaintiff was performing a work assignment at the Carson City Correctional Facility in Carson City, Michigan, defendant D. Kimmel questioned Plaintiff in front of other prisoners about a theft of some pants and shorts. Plaintiff claimed to be innocent of the theft and informed Defendant that he intended to file a grievance against Defendant.

Plaintiff proceeded to file the grievance, and Defendant filed a prison misconduct report charging Plaintiff with theft and possession of stolen property. A hearing officer dismissed the misconduct report, and Plaintiff was awarded back pay for the days that he missed work pending resolution of his grievance. He now seeks declaratory, injunctive, and monetary relief on the basis that Defendant retaliated against him for filing a grievance against Defendant.

A preliminary question is whether venue is proper in this district. The proper venue in civil actions 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 property that is the subject of the action is situated, or (3) any judicial district in which any defendant is subject to the court's personal jurisdiction if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Public officials "reside" in the county where they perform their official duties. *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972) (quoting 1 Moore's Federal Practice 1487-88).

Defendant performs his official duties at the Carson City Correctional Facility, and this action arose there. Carson City is located in Montcalm County, which lies within the geographical confines of the Southern Division of the Western District of Michigan. See 28 U.S.C. § 102(b)(1). Accordingly, venue is proper there, and the Clerk of the Court is ordered to transfer this case to the Southern Division of the Western District of Michigan. The Court has not screened this case under 28 U.S.C. §§ 1915(e)(2) and 1915A, nor determined whether Plaintiff may proceed without prepayment of the filing fee.

Date: December 11, 2017

s/John Corbett O'Meara
United States District Judge

I hereby certify that on December 11, 2017 a copy of this order was served upon Plaintiff using first-class U.S. mail.

s/William Barkholz
Case Manager