

MaUNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTIEN D. MARTIN,

Plaintiff,

Case No. 1:22-cv-383

v.

Honorable Ray Kent

UNKNOWN PART(Y)(IES),

Defendant.

/

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 St. Louis Correctional Facility (SLF) in St. Louis, Gratiot County, Michigan. The events giving rise to Plaintiff's action appear to have occurred at that facility. Plaintiff sues Unknown Part(y)(ies) who are presumably at SLF. In his *pro se* complaint, Plaintiff alleges that Defendants have retaliated against him for his prior civil rights actions and grievances.

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 Gratiot County. Defendants are public officials serving in Gratiot 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); *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). Gratiot 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 Plaintiff has neither paid the filing fee nor filed a 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: May 9, 2022

/s/ Ray Kent
Ray Kent
United States Magistrate Judge