

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DEAN BRYAN DAVIDSON,)	
)	
Plaintiff,)	
)	
v.)	No. 4:18-CV-103 RLW
)	
FULTON STATE HOSPITAL, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Before the Court is plaintiff's post-dismissal for "change of venue" in this action. Plaintiff's motion will be denied.

On January 29, 2018, the Court reviewed plaintiff's action pursuant to 28 U.S.C. § 1915 and found that it was subject to dismissal for frivolousness and for failure to state a claim upon which relief may be granted. Plaintiff filed a notice of appeal in this closed matter on February 8, 2018. With the filing of the notice of appeal, this Court lost jurisdiction to transfer the present matter. Even if the Court did have jurisdiction to transfer this matter to the Western District, the Court would abstain from transferring a closed action to another Federal District Court.¹

This is plaintiff's second motion seeking a post-dismissal change of venue. As this Court has already addressed this matter previously, and the matter has already been taken up by the

¹Plaintiff has filed three almost identical actions in the Western District of Missouri within the past year. *See Davidson v. Fulton State Hospital*, No. 2:17CV4018 FJG (W.D.Mo. 2017); *Davidson v. Fulton State Hospital*, No. 2:17CV4019 FJG (W.D.Mo. 2017); *Davidson v. Walker*, No. 2:17CV4147 FJG (W.D.Mo. 2017). Each of plaintiff's cases were dismissed as frivolous. Plaintiff also filed a petition for writ of habeas corpus with the Western District on January 25, 2017, in *Davidson v. Fulton State Hospital*, No. 4:17-CV-78 FJG (W.D.Mo. 2017). Plaintiff's application for habeas corpus was denied on March 30, 2017. Plaintiff currently has a new petition for writ of habeas corpus pending in the Western District of Missouri seeking release from his confinement. *See Davidson v. Schmit*, No. 4:18CV561 FJG (W.D.Mo. 2018).

Eighth Circuit Court of Appeals, the Court will instruct the Clerk not to accept any additional filings from plaintiff.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion requesting a change of venue [Doc. #22] is **DENIED**.

IT IS FURTHER ORDERED that the Clerk of Court shall not accept any additional filings from plaintiff in this matter, as plaintiff's action is currently pending on appeal. Any filings from plaintiff shall be returned to him with a letter telling plaintiff to file his motion with the Eighth Circuit Court of Appeals.

Dated this 23rd day of August, 2018.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE