

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

CHRISTINA TRUST,

Plaintiff,

v.

No. 17cv1205 WJ/KRS

FRANCES LEAH HOWE PRIEGEL,

Defendant.

**MEMORANDUM OPINION AND ORDER**  
**TRANSFERRING CASE TO WESTERN DISTRICT OF TEXAS**

**THIS MATTER** comes before the Court on Defendant’s En Camera Notice of Removal Under 28 USC § 1443 28 USC § 1446(b)(3), Doc. 1, filed December 7, 2017. For the reasons stated below, the Court concludes the District of New Mexico is not a proper venue for this case and **TRANSFERS** this case to the Western District of Texas.

The statute governing venue in general states:

**Venue in general.**--A civil action may be brought in—

- (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;
- (2) a judicial district in which 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) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. §1391(b). “The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a).

Defendant, who resides in El Paso, Texas, seeks to remove an action in the Justice Court, Justice of the Peace Precinct One, El Paso County, Texas, to this Court. The action appears to relate to a foreclosure on Defendant's home, located in El Paso, Texas, and judicial eviction proceedings in the Justice Court, Justice of the Peace Precinct One, El Paso County, Texas.

The Court concludes that the District of New Mexico is not a proper venue for this case under § 1391(b), because there are no allegations that a defendant resides in the District of New Mexico, that any of the events or omissions giving rise to the claim occurred in the District of New Mexico or that a substantial part of the property that is the subject of this action is situated in the District of New Mexico. The Court transfers this case to the Western District of Texas because the Notice of Removal indicates that Defendant resides in, the events giving rise to this case occurred in, and the property that is the subject of this action is situated in El Paso, Texas, which is in the Western District of Texas.

**IT IS ORDERED** that this case is **TRANSFERRED** to the Western District of Texas.



---

**WILLIAM P. JOHNSON**  
**CHIEF UNITED STATES DISTRICT JUDGE**