

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES ERIC WYNN,

Plaintiff,

-against-

ANNETTE D. WATKINS HARRIS;
ROBERT E. HAWTHORNE JR.; LISA
BRADSHAW; LUNENBERG CIRCUIT
COURT CLERKS,

Defendants.

24-CV-3368 (LTS)

TRANSFER ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff Eric James Wynn, who resides in Hartsdale, New York, brings this *pro se* action under the court's federal question jurisdiction, asserting "possibl[e] RICO Act violations," and claims arguably arising under state law, in connection with a dispute over real property in Lunenburg County, Virginia. (ECF 1 ¶ I.A.) Named as Defendants are: (1) Annette D. Watkins Harris, who resides in Maryland; (2) Robert E. Hawthorne Jr. and Lisa Bradshaw, who appear to be attorneys with a law office located in Victoria, Virginia; and (3) Lunenburg Circuit Court clerks. By order dated May 6, 2024, the Court granted Plaintiff leave to proceed *in forma pauperis*. For the following reasons, this action is transferred to the United States District Court for the Eastern District of Virginia.

DISCUSSION

Under 28 U.S.C. § 1391(b), 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 (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.

For venue purposes, a “natural person” resides in the district where the person is domiciled, and an “entity with the capacity to sue and be sued” resides in any judicial district where it is subject to personal jurisdiction with respect to the civil action in question. *See* 28 U.S.C. § 1391(c)(1), (2).

Plaintiff, who is a New York resident, alleges that Defendant Harris resides in Maryland. He does not allege the residences of the other Defendants (Hawthorne, Bradshaw, and the Lunenburg Circuit Court clerks), but he provides work addresses for them in Lunenburg County. Plaintiff alleges that Defendants are engaging in “price rigging” and are not acting in “good faith” (ECF 1 ¶ I.A), in connection with a state court matter pending in Lunenburg County, Virginia. Attached to Plaintiff’s complaint is a Complaint to Partition Real Estate that was filed in the Lunenburg County Civil Court. *Harris, et al. v. Wynn, et al.*, CL 2400079-00. (*Id.* at 11-35.) Hawthorne and Bradshaw are the attorneys representing the plaintiffs in that matter. Defendant Harris is one of the plaintiffs in the state court matter, and Plaintiff is one of the defendants in that matter. (*Id.* at 11.)

Because Plaintiff does not allege that any defendant resides in this district, that the subject property is located in this district, or that a substantial part of the events or omissions giving rise to his claim arose in this district, venue is not proper in this Court under § 1391(b)(1) or (2). Plaintiff’s claims arose in Lunenburg County, which is located in the Eastern District of Virginia. 28 U.S.C. § 127(a). Accordingly, venue lies in the Eastern District of Virginia, 28 U.S.C. § 1391(b)(2), and this action is transferred to the United States District Court for the Eastern District of Virginia, 28 U.S.C. § 1406(a).

CONCLUSION

The Clerk of Court is directed to transfer this action to the United States District Court for the Eastern District of Virginia. A summons shall not issue from this court. This order closes this case.

The Court certifies, under 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: May 9, 2024
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge