

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WILLIAM D. MORRIS,

Plaintiff,

v.

Civil Action 2:10-cv-262

Judge Edmund A. Sargus, Jr.

Magistrate Judge E.A. Preston Deavers

McCALLER, et al.,

Defendants.

ORDER

The Court **DENIES** Plaintiff's Motions to Transfer Venue. (ECF Nos. 18 and 19.) In his first Motion, Plaintiff asks the Court to transfer this action to a bankruptcy court in Texas. In his second Motion, Plaintiff explains that he mistakenly asked for transfer to the bankruptcy court in the first Motion. He then asks for transfer to the district court located in Beaumont, Texas. The Court must deny Plaintiff's Motions for Transfer because this action could not have been brought in a Texas district court in the first instance. In this case, venue is governed by 28 U.S.C. § 1391(a), the venue statute that pertains to cases filed in federal court based on diversity jurisdiction. Section 1391(a) provides as follows:

A civil action wherein jurisdiction is founded only on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (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) a judicial district in which any defendant is subject to personal jurisdiction at the time the action is commenced, if there is no district in which the action may otherwise be brought.

28 U.S.C. § 1391(a). Venue in Texas is improper under Section 1391 because “a substantial part of the events or omissions giving rise to [Plaintiff’s] claim[s]” did not occur in Texas and no Defendant resides in Texas. The Court, therefore, **DENIES** Plaintiff’s Motions.

IT IS SO ORDERED.

Date: May 13, 2011

/s/ *Elizabeth A. Preston Deavers*

Elizabeth A. Preston Deavers
United States Magistrate Judge