

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

TERRY LEE HUTTON, JR., )  
vs. )  
Plaintiff, )  
vs. ) NO. CIV-17-0474-HE  
ANDE HOWRY, et al., )  
Defendants. )

**ORDER**

Plaintiff Terry Hutton Jr. filed a *pro se* complaint asserting claims under 42 U.S.C. § 1983 against defendants Ande Howry, Dale Brewer, Mardy Garison, and Donna Raymond. He alleges these defendants, in their official capacities as employees of the Corrections Corporation of America, the Oklahoma Department of Corrections, and the Missouri Department of Corrections, violated his rights by transferring him from a medium-security prison to a maximum-security facility in retaliation for reporting a violation of the Prison Rape Elimination Act.

This matter was referred to U.S. Magistrate Judge Bernard M. Jones for initial proceedings, consistent with 28 U.S.C. § 636(b)(1)(B). Judge Jones issued a Report and Recommendation, which concluded that venue is not appropriate in the Western District of Oklahoma. The Report recommended the transfer of this case to the U.S. District Court for the Eastern District of Oklahoma—the court for the jurisdiction in which a substantial part of the alleged events giving rise to the claims occurred. *See* 28 U.S.C. § 1391(b). The Report advised plaintiff of his right to object to its findings and conclusions by May 18, 2017.

Plaintiff has since filed several motions but has not filed an objection to the Report. He has therefore waived appellate review of the factual and legal issues addressed in it. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010); 28 U.S.C. § 636(b)(1). Accordingly, the court **ADOPTS** the Report [Doc. #5], a copy of which is attached to this order. This case is **TRANSFERRED** to the U.S. District Court for the Eastern District of Oklahoma.

**IT IS SO ORDERED.**

Dated this 5<sup>th</sup> day of June, 2017.



JOE HEATON  
CHIEF U.S. DISTRICT JUDGE