Simmons v. Moore et al Doc. 4

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF OKLAHOMA

SETH OREN SIMMONS a/k/a JASON McEVANS,	)	
Plaintiff,	)	
v.	)	**No. CIV 19-062-JHP-SPS**
SHERIFF HARLAN MOORE and TERRY HIBBERT,	)	
Defendants.	)	

OPINION AND ORDER

On February 21, 2019, Plaintiff, a pro se prisoner who is incarcerated in the Benton County Jail in Bentonville, Arkansas, filed this action under the authority of 42 U.S.C. § 1983. He is seeking relief for constitutional violations which allegedly occurred at the Delaware County Jail in Jay, Oklahoma, in or around August 2018. The two defendants are Delaware County Sheriff Harlan Moore and Delaware County Jail Administrator Terry Hibbert.

Upon review of Plaintiff's complaint, it appears that proper venue does not lie in this district. The defendants are located in Delaware County, Oklahoma, which is located within the territorial jurisdiction of the Northern District of Oklahoma. Furthermore, the alleged events giving rise to Plaintiff's claims occurred in Delaware County. Because proper venue does not lie in this district, *see* 28 U.S.C. § 1391(b), Plaintiff's complaint is DISMISSED WITHOUT PREJUDICE, pursuant to 28 U.S.C. § 1406(a).

IT IS SO ORDERED this 7th day of March, 2019.

James H. Payne
United States District Judge
Eastern District of Oklahoma

Dockets.Justia.com