

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

WILLIE SARTIN,

Plaintiff

v.

TREVOR WINGARD, et al.,

Defendants

:
:
: CIVIL ACTION NO. 3:CV-14-2038
:
: (Judge Nealon)
:
:
:

FILED
SCRANTON

NOV 12 2014

MEMORANDUM

PER


DEPUTY CLERK

Background

Willie Sartin, an inmate confined at the State Correctional Institution at Laurel Highlands (“SCI-Laurel Highlands”), Pennsylvania, filed the above-captioned civil rights complaint pursuant to 42 U.S.C. § 1983. The named Defendants are three (3) employees of SCI-Laurel Highlands. Along with his complaint, Plaintiff has filed motions seeking the appointment of counsel and to suspend the filing fee requirement. (Docs. 4, 6.)

Plaintiff alleges that Defendants have improperly denied his requests to be hired as a worker in the Laundry Room based upon constitutionally impermissible reasons. Specifically, he claims that Defendants have discriminated against him and denied him consideration for the job openings because he is a black inmate. (Doc. 1, Compl. at 2.) He requests declaratory, injunctive, compensatory and punitive relief. (Id. at 13.)

Discussion

Venue for actions brought under § 1983 is governed by 28 U.S.C. § 1391(b). Section


1391(b) provides that venue is proper 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 may be found, if there is no district in which the action may otherwise be brought.

SCI-Laurel Highlands is located in Somerset County, Pennsylvania. Because all of the named Defendants are located in Somerset County and the incidents complained of occurred in Somerset County, which is located in the Western District of Pennsylvania, venue is proper in the Western District of Pennsylvania and not in this Court.

When venue is improper, as in this case, a court may transfer the matter to the district court "in which it could have been brought." 28 U.S.C. § 1406(a). Therefore, in the interests of justice, this case will be transferred to the United States District Court for the Western District of Pennsylvania.

A separate Order will be issued.

Dated: November 10, 2014



United States District Judge