

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JAMES M. CARROLL §
VS. § CIVIL ACTION NO. 1:06cv163
AARON'S RENTAL, ET AL §

MEMORANDUM OPINION REGARDING VENUE

Plaintiff James M. Carroll, an inmate confined in the Hightower Unit of the Texas Department of Criminal Justice, Institutional Division, proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against Aaron's Rental, Michael Ricks, J.M. Wright and Randy Rorbusch.

Analysis

The Civil Rights Act, 42 U.S.C. § 1981, *et. seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bales*, 58 F.R.D. 453 (N.D. Ga. 1972), *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973).

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose.

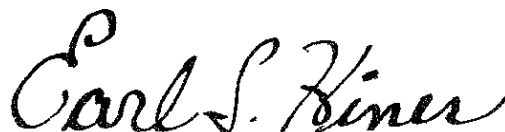
Plaintiff complains of events which occurred in Pasadena, Texas, which is located in Harris County. As a result, plaintiff's claim arose in Harris County. In addition, the defendants appear to reside in Harris County. Pursuant to 28 U.S.C. § 124,

Harris County is located in the Harris Division of the United States District Court for the Southern District of Texas.

As Harris County is located in the Southern District of Texas, venue in the Eastern District of Texas is not proper. When venue is not proper, the court "shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406(a).

Accordingly, this case will be transferred to the Harris Division of the United States District Court for the Southern District of Texas. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

SIGNED this 23 day of March, 2006.



EARL S. HINES
UNITED STATES MAGISTRATE JUDGE