

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

BEAUMONT DIVISION

FEDERICO LEAL §
VS. § CIVIL ACTION NO. 1:06-CV-645
NATHANIEL QUARTERMAN §

MEMORANDUM OPINION REGARDING TRANSFER

Plaintiff Federico Leal, a prisoner confined in Plainview, Texas, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Nathaniel Quarterman.

Discussion

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. Bailey*, 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, Section 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose. However, under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district or division where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

Plaintiff complains of incidents that took place in Plainview. Plainview is in Hale County, Texas, which is located within the Lubbock Division of the United States District Court for the

Northern District of Texas. The court has considered the circumstances and has determined that the interest of justice would best be served if the complaint were transferred to the district in which the claims arose. Therefore, the case should be transferred to the Northern District of Texas. An order so providing will be entered by the undersigned.

SIGNED this 23 day of October, 2006.



KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE