

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

BEAUMONT DIVISION

REAGAN JAMES CALDWELL §
VS. § CIVIL ACTION NO. 1:06-CV-665
GROVER HAYNES, JR., ET AL. §

MEMORANDUM OPINION REGARDING TRANSFER

Plaintiff Reagan James Caldwell, an inmate currently confined at the Ellis I Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action against Grover Haynes, Jr., Shavonne Barideaux, and Ernestine Julye. Plaintiff alleges defendants Haynes and Barideaux failed to protect him from an assault while he was assigned to the Stiles Unit. Plaintiff alleges defendant Julye was deliberately indifferent to his serious medical needs after he was transferred to the Wynne Unit.

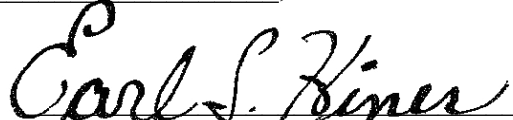
Analysis

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. 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 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).

The court has considered the circumstances and has determined that justice would best be served if the claims concerning events that took place at the Wynne Unit were severed and transferred to the district in which the claims arose. Therefore, it is the opinion of the undersigned

that the claims against defendant Ernestine Julye should be severed and transferred to the Houston Division of the United States District Court for the Southern District of Texas. This court will retain all remaining claims and defendants. An appropriate order so providing will be entered by the undersigned.

SIGNED this 31 day of October, 2006.


EARL S. HINES
UNITED STATES MAGISTRATE JUDGE