IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

JOHN GRIGGS	§	
VS.	§	CIVIL ACTION NO. 1:08-CV-225
NUNEZ, ET AL.	§	

MEMORANDUM OPINION REGARDING TRANSFER

Plaintiff John Griggs, a prisoner confined at the Connally Unit of the Texas Department of

Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action

pursuant to 42 U.S.C. § 1983 against Nunez, Rodriguez, and P. Morales. The defendants are
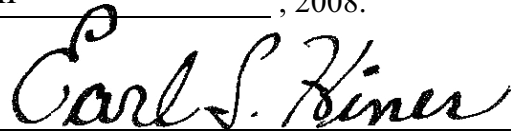
employed at the Connally Unit.

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 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 an incident that took place at the Connally Unit. The Connally Unit is located in the San Antonio Division of the United States District Court for the Western 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 Western District of Texas. An order so providing will be entered by the undersigned.

SIGNED this ____30____ day of _____April_____ , 2008.

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EARL S. HINES
UNITED STATES MAGISTRATE JUDGE