

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, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claims arose. Plaintiff's claims arose in Hamilton, Texas where his victim was hospitalized. Additionally, the defendant is located in Hamilton, Texas. The city of Hamilton is located in Hamilton County, Texas. Pursuant to 28 U.S.C. § 124, Hamilton County is in the Western District of Texas, Waco Division. Accordingly, 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). This case should be transferred to the Western District of Texas, Waco Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this 2nd day of October, 2013.



Zack Hawthorn
United States Magistrate Judge