



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. 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 Potter County and Hutchinson County, Texas. Additionally, the defendants are located in Potter County and Hutchinson County, Texas. Pursuant to 28 U.S.C. § 124, both Potter County and Hutchinson County, Texas are in the Northern District of Texas, Amarillo 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 Northern District of Texas, Amarillo Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this 17th day of October, 2013.

  
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Zack Hawthorn  
United States Magistrate Judge