

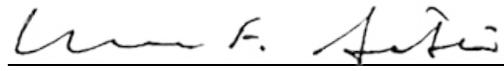


at the McConnell Unit located in Beeville, Texas. Beeville is located in Bee County, Texas. Further, the defendants are employed in both the Northern District and Southern District of Texas. When public officials are parties to an action in their official capacities, they reside for venue purposes in the county where they perform their official duties. *Holloway v. Gunnell*, 685 F.2d 150 (5th Cir. 1982); *Lowrey v. Estelle*, 433 F.2d 265 (5th Cir. 1976).

Pursuant to 28 U.S.C. § 124, Bee County is in the Corpus Christi Division of the Southern District of Texas. The lead defendant, as well as other defendants, are located in Houston and Huntsville, both located in the Southern District, Houston Division. However, some of the defendants are located at the McConnell Unit and the remainder are located in the Northern and Western Districts of Texas. As all of the defendants are located in either the Southern District, Northern District, or Western District of Texas, 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). After due consideration, this case should be transferred to the Southern District of Texas, Corpus Christi Division where plaintiff and several of the defendants are located. An appropriate order so providing will be entered by the undersigned.

**SIGNED** this 30 day of May, 2014.

  
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KEITH F. GIBLIN  
UNITED STATES MAGISTRATE JUDGE