

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

OLIN RAY NOWLIN

§

VS.

§

CIVIL ACTION NO. 1:15-CV-380

JOE SHANNON, JR., *et al.*,

§

MEMORANDUM OPINION REGARDING VENUE

Plaintiff, Olin Ray Nowlin, an inmate currently confined at the Mark Stiles Unit in Beaumont, Texas proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against defendants Joe Shannon, Jr., Tarrant County Assistant District Attorney, the State of Texas, and the City of Fort Worth, Texas.

The above-styled action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

Venue in a civil rights action is determined pursuant to 28 U.S.C. § 1391(b). 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 all the defendants reside or in which a substantial part of the events or omissions giving rise to the claim occurred.

Plaintiff complains of actions taken by officials with the Tarrant County District Attorneys Office. The Tarrant County District Attorneys Office is located in Fort Worth, Texas and it would appear a substantial part of the events or omissions giving rise to his claims occurred in the Northern

District of Texas, Fort Worth Division. Venue, therefore, is not proper in the Eastern District of Texas, Beaumont Division. 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). Plaintiff’s claims should be transferred to the Northern District of Texas, Fort Worth Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this 12th day of October, 2015.



Zack Hawthorn
United States Magistrate Judge