**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

JOE HERNANDEZ, *Plaintiff*,	§ § §
v.	§ §
	§ CIVIL NO. 1:19-CV-315
ANDREW SAUL, Acting Commissioner of Social Security Administration, *Defendant*.	§ § § § §

<u>MEMORANDUM OPINION REGARDING VENUE</u>

Plaintiff Joe Hernandez ("Plaintiff") is an inmate currently confined at the Wynne Unit of

the Texas Department of Criminal Justice, Correctional Institutions Division.   He filed a

Complaint, pro se, seeking judicial review of an adverse decision by the Commissioner of the

Social Security Administration.   (Doc. No. 1).   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 pretrial management, findings of fact,

conclusions of law, and recommendations for the disposition of the case.

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Discussion

In an action for review of a final decision of the Commissioner of Social Security, venue is determined pursuant to 42 U.S.C. § 405(g). In this case, venue requires, in pertinent part, that "[s]uch action shall be brought in the district court of the United States for the judicial district in which the plaintiff resides . . ." 42 U.S.C. § 405(g).

Plaintiff currently resides in Walker County, Texas, pursuant to his incarceration at the Wynne Unit in Huntsville. Walker County, Texas, is located in the Southern District of Texas, Houston Division. *See* 28 U.S.C. § 124(b)(2). 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, therefore, be transferred to the Southern District of Texas, Houston Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this the 30th day of November, 2020.

KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE

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