

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

CHARLTON REED TIPTON §
VS. § CIVIL ACTION NO. 1:17-CV-335
DIRECTOR, TDCJ-CID, *et al.*, §

MEMORANDUM OPINION REGARDING VENUE

Plaintiff, Charlton Reed Tipton, a prisoner currently confined at the Barry Telford Unit, proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against unknown defendants at the Barry Telford Unit. Plaintiff complains of ongoing sleep deprivation and harassment.

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

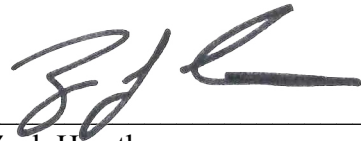
Venue in a civil rights action is determined pursuant to 28 U.S.C. § 1391(b). When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where all the defendants reside or in which a substantial part of the events or omissions giving rise to the claim occurred.

Plaintiff complains of actions (or inactions) taken by the unknown defendants at the Barry Telford Unit in New Boston, Texas. It would, therefore, appear a substantial part of the events or

omissions giving rise to his claims occurred in the Eastern District of Texas, Texarkana 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 Eastern District of Texas, Texarkana Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this 14th day of August, 2017.

A handwritten signature in black ink, appearing to read 'Zack Hawthorn', written over a horizontal line.

Zack Hawthorn
United States Magistrate Judge