



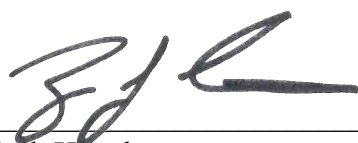
### Discussion

Venue in cases under the Federal Tort Claims Act is governed by the provisions of 28 U.S.C. § 1402, which provides that a “civil action on a tort claim against the United States . . . may be prosecuted only in the judicial district where the plaintiff resides or wherein the act or omission complained of occurred.” 28 U.S.C. § 1402(b). Because plaintiff is not a resident in this judicial district, venue must be satisfied through the place of the act or omission.

Plaintiff’s complaint pertains to his criminal conviction out of the Eastern District of Texas, Tyler Division. It is clear that all of the events or omissions giving rise to his claims occurred in the Eastern District of Texas, Tyler 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, Tyler Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this 16th day of September, 2019.



---

Zack Hawthorn  
United States Magistrate Judge