

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

CASEY DOBBS §
VS. § CIVIL ACTION NO. 9:19cv233
TX. DEPT. CHILD FAMILY SERVICES §

MEMORANDUM OPINION AND ORDER

Plaintiff Casey Dobbs, an inmate confined in the Michael Unit of the Texas Department of Criminal Justice, Institutional Division, proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against the Texas Department of Child Family Services and the 222nd District Court of Oldham County, Texas.

Analysis

The Civil Rights Act, 42 U.S.C. § 1981, *et. seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bales*, 58 F.R.D. 453 (N.D. Ga. 1972), *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973).

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 the defendants reside or in which the claim arose.

This case appears to have no connection with the Eastern District of Texas. Plaintiff complains of events that occurred in Oldham County. Pursuant to 28 U.S.C. § 124, Oldham County is

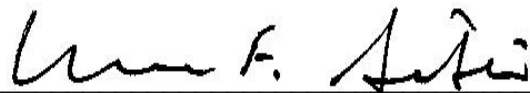
located in the Amarillo Division of the United States District Court for the Northern District of Texas.

Venue for this matter is not proper in the Eastern District of Texas. 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). Accordingly, this case should be transferred to the Amarillo Division of the United States District Court for the Northern District of Texas.

ORDER

For the reasons set forth above, it is **ORDERED** that this matter is **TRANSFERRED** to the Amarillo Division of the United States District Court for the Northern District of Texas.

SIGNED this the 9th day of January, 2020.



KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE