

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

BARRY EMMETT §
VS. § CIVIL ACTION NO. 1:22-CV-8
WARDEN DICKERSON, ET AL. §

MEMORANDUM OPINION REGARDING TRANSFER

Plaintiff Barry Emmett, an inmate confined at the Polunsky Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Warden Dickerson, the Polunsky Unit Kitchen Major, Dr. Ernestine Juley, the UTMB President, the UTMB Vice President, the Director of TDCJ, and the Executive Director of TDCJ-CID.

Discussion

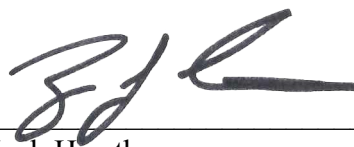
When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose. Under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district or division where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

Plaintiff complains of incidents that occurred at the Polunsky Unit. The Polunsky Unit is located in the Lufkin Division of the United States District Court for the Eastern District of Texas. The court has considered the circumstances and has determined that the interests of justice would

be served by transferring this action to the division in which the claims arose. Therefore, the case should be transferred to the Lufkin Division. It is accordingly

ORDERED that this civil rights action is **TRANSFERRED** to the Lufkin Division of the United States District Court for the Eastern District of Texas.

SIGNED this 7th day of January, 2022.

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

Zack Hawthorn
United States Magistrate Judge