

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF TEXAS
 CORPUS CHRISTI DIVISION

TORRANCE FLEMINGS,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. C-10-146
	§	
JOHN B CONNALLY, <i>et al</i> ,	§	
	§	
Defendants.	§	

OPINION AND ORDER OF TRANSFER

This is a civil rights action filed by a state prisoner pursuant to 42 U.S.C. § 1983 (D.E. 6). He is being held at the Texas Department of Criminal Justice, Correctional Institutions Division’s Connally Unit, which is located in Kenedy, Texas. In his amended complaint (D.E. 6), Plaintiff claims that defendants, officials at the Connally Unit, denied him access to the courts and caused his federal writ to be dismissed as untimely. Plaintiff originally filed this action in the Dallas Division of the Northern District of Texas, and it was transferred to this court by United States Magistrate Judge Paul Stickney, who erroneously determined that the Connally Unit was located in the Southern District of Texas (D.E. 8).


A civil action wherein jurisdiction is not founded solely on diversity of citizenship may be brought in (1) a judicial district where any defendant resides, if all defendants reside in the same state, or (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). In addition, 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 might have been brought. 28 U.S.C. § 1404(a).

In this case, defendants are TDCJ officials who work or engage in business in Kenedy, Texas, which located in Karnes County, Texas, and the events of which plaintiff complains

occurred in Karnes County, Texas. (D.E. 1). Karnes County lies within the San Antonio Division of the Western District of Texas. 28 U.S.C. § 124(d)(4). Jurisdiction is proper with that Court. 28 U.S.C. § 1391(b).

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Western District of Texas, San Antonio Division.

SIGNED and ORDERED this 24th day of May, 2010.


Janis Graham Jack
United States District Judge