

United States District Court
Southern District of Texas

ENTERED

January 18, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

TERRY SMITH,

Plaintiff,

VS.

UNKNOWN DEFENDANTS,

Defendant.

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CIVIL ACTION NO. 2:18-CV-20

OPINION AND ORDER OF TRANSFER

This is a civil rights action filed by a state prisoner. Plaintiff Terry Smith is currently assigned to the Powledge Unit in Palestine, Texas. (D.E. 1). Plaintiff complains about the conditions of his confinement at the Powledge Unit as well as the lack of adequate medical care provided to him.

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, a substantial part of the events forming the basis of Plaintiff's complaint occurred at the Powledge Unit. (D.E. 1). Plaintiff is housed at the Powledge Unit, which is located in Anderson County, Texas. Many potential defendants, who may

later be identified by Plaintiff, also appear to reside in Anderson County. Anderson County is located in the Tyler Division of the Eastern District of Texas. 28 U.S.C. § 124(c)(1). There is no nexus to the Corpus Christi Division of the Southern District of Texas. The interests of justice, therefore, would be served by a transfer to the Tyler Division of the Eastern District of Texas.

Accordingly, IT IS ORDERED that this case be TRANSFERRED to the United States District Court for the Eastern District of Texas, Tyler Division.

ORDERED this 18th day of January, 2018.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE