

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

SHELBY PAUL SUTTON,
Plaintiff,

V.

TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, ET AL.,
Defendants.

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C.A. NO. C-08-245

MEMORANDUM OPINION AND ORDER OF TRANSFER

In this civil rights action plaintiff complains of the unconstitutional actions of a physician’s assistant at the Scott Unit, who allegedly misdiagnosed a hernia (D.E. 1). The Smith Unit is located in Brazoria County which is in the Galveston Division of the Southern District of Texas. 28 U.S.C. § 124(d)(1).

Venue in federal question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). A district court has the authority to transfer a case in the interest of justice to another district or division in which the action might have been brought. 28 U.S.C. §§ 1404, 1406; Balawajder v. Scott, 160 F.3d 1066, 1067 (5th Cir. 1998). The defendants in this case can be found in Galveston County, and the alleged events giving rise to plaintiff’s claim occurred in Galveston County, Texas.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Southern District of Texas, Galveston Division. All pending motions are denied without prejudice, subject to renewal after the case is transferred.

ORDERED this 14th day of August, 2008.

A handwritten signature in black ink, appearing to read "B. Janice Ellington", written over a horizontal line.

B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE