

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

WILLIAM ANDREW ALLEN,

Plaintiff,

v.

BETTY WILLIAMS, M.D., *ET AL.*,

Defendants.

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CIVIL ACTION No. H-15-3238

ORDER OF DISMISSAL

Plaintiff, a state inmate proceeding *pro se* and *in forma pauperis*, filed this section 1983 lawsuit alleging violations of his constitutional rights by Betty Williams, M.D., and an unnamed classification officer at the Ellis Unit in Huntsville, Texas.

Having reviewed the complaint as required under section 1915, the Court will dismiss this lawsuit without prejudice for want of jurisdiction.

Background and Claims

In setting forth his claims against defendant Williams, plaintiff alleges that she discontinued medications he had received at his previous prison unit, prescribed medications without first examining him, moved his housing from one section of the Ellis Unit to another, and transferred him from the Ellis Unit to the Terrell Unit with unnecessary restrictions. (Docket Entry No. 1, pp. 3, 4.) He also claims that she reported in his medical records that he has “stomach problems” and that he is taking Zantac; he denies having stomach problems and states that he does not take Zantac.

In setting forth his claims against the unidentified Ellis Unit classification officer, plaintiff alleges that the officer “allowed physician [to] change living quarters and reclassify offenders without authority.” *Id.*, p. 3. Plaintiff presented this complaint to prison officers in an administrative grievance, and was informed that physicians do not make housing assignments or classification decisions.

As judicial relief, plaintiff asks that the Court remove the unnecessary restrictions and return him to the Ellis Unit.

Analysis

The relief requested by plaintiff in this lawsuit is in the nature of injunctive relief. To the extent plaintiff requests the Court to order the removal of his allegedly unnecessary restrictions that are currently in place at the Terrell Unit, this Court has no jurisdiction over officials or employees of the Terrell Unit. The Terrell Unit is located in Rosharon, Brazoria County, Texas, which is located within the United States District Court for the Southern District of Texas, Galveston Division. For the same reason, this Court is without jurisdiction to order prison officials at the Terrell Unit to transfer plaintiff to the Ellis Unit.

The Court notes that plaintiff has requested this same injunctive relief in his pending Galveston Division section 1983 lawsuit, and that he named employees of the Terrell Unit as defendants therein. *See Allen v. Kwabena*, C.A. No. G-15-0333 (S.D. Tex.).

Conclusion

This lawsuit is DISMISSED WITHOUT PREJUDICE FOR WANT OF JURISDICTION. Any and all pending motions are DENIED AS MOOT, subject to reconsideration by the Galveston Division as may be appropriate.

Signed at Houston, Texas on February 8, 2017.



Gray H. Miller
United States District Judge