

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

JASON VARNER §  
VS. § CIVIL ACTION NO. 1:18-CV-183  
JUAN GARCIA, *et al.*, §

**MEMORANDUM OPINION REGARDING VENUE**

Plaintiff, Jason Varner, a prisoner currently confined at the Stiles Unit in Beaumont, Texas, with the Texas Department of Criminal Justice (“TDCJ”), Correctional Institutions Division, proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against defendants Juan Garcia and Silvia Peterson.

The above-styled action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

Venue in a civil rights action is determined pursuant to 28 U.S.C. § 1391(b). 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 all the defendants reside or in which a substantial part of the events or omissions giving rise to the claim occurred.

Plaintiff’s complaint pertains to individual defendants employed as Correctional Officers at the Conaly Unit in Kenedy, Texas. Thus, it is clear that all of the events or omissions giving rise to

his claims occurred in the Western District of Texas, San Antonio Division. Venue, therefore, is not proper in the Eastern District of Texas, Beaumont Division.

When venue is not proper, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. 1406(a). Plaintiff’s claims should be transferred to the Western District of Texas, San Antonio Division. An appropriate order so providing will be entered by the undersigned.

**SIGNED this the 26th day of April, 2018.**

A handwritten signature in black ink, appearing to read "Keith F. Giblin", written over a horizontal line.

KEITH F. GIBLIN  
UNITED STATES MAGISTRATE JUDGE