

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

PAUL ALLEN ADAMS,

Plaintiff,

v.

Case No. 17-cv-699-pp

RANDALL R. HEPP, *et al.*,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION TO CHANGE VENUE (DKT. NO. 49)

On August 27, 2018, the court issued an order, allowing the plaintiff to proceed against defendants Larson, Truen, Hepp, Whitman, Floeter, Frank, Henrich, DeBrees and Dawn P. on claims that they were deliberately indifferent to his serious medical needs, in violation of the Eighth Amendment. Dkt. No. 48.

Three days later, the court received from the plaintiff a motion asking the court to transfer this case to the Western District of Wisconsin. Dkt. No. 49. He explains that he now is in custody at Jackson Correctional Institution, in the Western District of Wisconsin, and that one or more of the defendants are in the Western District. *Id.* at 1. The plaintiff also explains that he plans to file a complaint against Jackson officials because they are allegedly refusing to treat his well-documented medical issues. *Id.* at 1-2. The plaintiff alleges that he is suffering from hypoglycemic crashes, constipation, sleep deprivation, and bloody and painful bowel movements. *Id.* at 2. He also asserts that he is receiving less food than general population inmates and has lost twenty

pounds in three weeks. Id. He states that Jackson officials are accusing him of faking his symptoms and telling him that previous diagnoses by other health officials were wrong. Id.

The plaintiff has raised two different issues in his motion. First, he indicates that he wants the court to transfer this case, against these defendants (all of whom were employed at the Fox Lake Correctional Center), to the federal court for the Western District of Wisconsin. The Fox Lake Correctional Center, however, is in Dodge County, which is in the *Eastern* District of Wisconsin. See <http://www.wied.uscourts.gov/counties-served-division>. Under 28 U.S.C. §1391(b), a plaintiff may bring a civil case in—

- (1) a judicial district in which any defendant resides, if all defendants are residents of the state in which the district is located;
- (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred . . . ; or
- (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

The events the plaintiff described in his complaint in this case took place at Fox Lake, in the Eastern District. While the plaintiff states in his motion that “one or more” of the defendants in this case “are in the Western District now,” he does not identify those defendants, or say what makes him believe that they now are in the Western District. Given that the events that gave rise to this case took place in the Eastern District, and that at least some, if not most, of the

defendants are located in the Eastern District, venue for this case is proper in the Eastern District.

Second, the plaintiff says that he wants to file a second complaint, alleging that staff at Jackson are violating his civil rights. The plaintiff has the right to file suit against people at Jackson if he has facts to show that they are violating his rights, but as he appears to realize, under Fed. R. Civ. P. 18 and 20, he can't sue those defendants in this case. Because Jackson is located in the Western District, and because the staff there likely live in the Western District, he should sue for any events that took place at Jackson in the Western District. The fact that he wants to do that, however, is not a basis for transferring venue for *this* case. The court understands why the plaintiff may prefer to litigate both cases in the same district, but that preference is not sufficient grounds for the court to grant his motion.

The court **DENIES** the plaintiff's motion to change venue. Dkt. No. 49.

Dated in Milwaukee, Wisconsin, this 2nd day of October, 2018.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge