

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

2012 SEP 11 AM 9:41

DEPUTY CLERK



RODERICK KEITH JOHNSON, )  
TDCJ No. 1455959, )  
Plaintiff, )  
)  
v. )  
)  
JOHN DOE, )  
Defendant. )

Civil No. 7:12-CV-138-O-BL

ORDER TRANSFERRING CASE

Plaintiff, an inmate confined in the Pack I Unit of the Texas Department of Criminal Justice in Navasota, Texas, brings this action seeking a temporary restraining order and preliminary injunction. His request for relief relates to his current conditions of confinement.

Venue in a federal civil action is governed by 28 U.S.C. § 1391(b). *See Davis v. Louisiana State University*, 876 F.2d 412, 413 (5th Cir. 1989). This statute provides that civil cases not founded solely on diversity of citizenship must be brought in the judicial district where: (1) the defendant resides; (2) a substantial part of the events or omissions giving rise to the claim occurred or; (3) where any defendant may be found if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). The Court may transfer a civil action to any proper judicial division or district “[f]or the convenience of the parties and witnesses, in the interest of justice[.]” 28 U.S.C. § 1404(a); *see Hardwick v. Brinson*, 523 F.2d 798, 800 n.2 (5th Cir. 1975).

Plaintiff has not identified the parties against whom he currently seeks relief. However, the events underlying Plaintiff’s request for temporary restraining order and preliminary injunction are occurring in Navasota, Texas. Navasota, Texas is located in Grimes County which lies within the Southern District of Texas, Houston Division. 28 U.S.C. § 124(b)(2). None of the events giving rise

to the instant motion have occurred within the Wichita Falls Division and there are no parties to this action located within the geographical boundaries of the Wichita Falls Division.<sup>1</sup>

It is therefore ORDERED that, for the convenience of the parties and in the interest of justice, this case is hereby transferred to the Southern District of Texas, Houston Division, pursuant to 28 U.S.C. §1404(a).

SO ORDERED this 11th day of September, 2012.

  
\_\_\_\_\_  
E. SCOTT FROST  
UNITED STATES MAGISTRATE JUDGE

---

<sup>1</sup> Plaintiff originally filed his motion in a case that was closed in 2005. *See Johnson v. Wathen*, 7:02-CV-087-M (N.D. Tex.). The motion was severed from the old case and a new civil action was opened to expedite the consideration of Plaintiff's claims. *See* Order entered August 15, 2012 (Doc. No. 3). Plaintiff has identified Gary Johnson and Richard Wathen as Defendants in the style of his motion. However, these individuals were Defendants in Plaintiff's old case and appear to have no connection to the allegations set forth in the instant case.