

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
NEW YORK

Angela Perez Dowling v. State Prosecutors OFFFICE OF TEXAS

No. 1:26-CV-1380 (LTS), United States District Court for the Southern District of New York (March 17, 2026)

SUMMARY

The United States District Court for the Southern District of New York transferred Angela Perez Dowling’s pro se action to the United States District Court for the Southern District of Texas under 28 U.S.C. § 1406(a) because the alleged events occurred in Texas and venue was improper in New York. The court directed the clerk to transfer the case, declined to issue a summons, and certified that any appeal would not be taken in good faith.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                   |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Southern District of New York                                                                                                                                                                                                |
| WRITING FOR THE COURT | Laura Taylor Swain                                                                                                                                                                                                                                                |
| JURISDICTION          | United States District Court for the Southern District of New York                                                                                                                                                                                                |
| DECIDED               | March 17, 2026                                                                                                                                                                                                                                                    |
| DOCKET                | 1:26-CV-1380 (LTS)                                                                                                                                                                                                                                                |
| DISPOSITION           | transferred                                                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | Pro se plaintiff filed an action in the Southern District of New York asserting claims under 42 U.S.C. § 1983 and state law. The court determined that venue was improper and transferred the action to the Southern District of Texas under 28 U.S.C. § 1406(a). |
| PRECEDENTIAL VALUE    | Unknown                                                                                                                                                                                                                                                           |
| PARTIES               | Angela Perez Dowling v. State Prosecutors OFFFICE OF TEXAS                                                                                                                                                                                                        |

TOPICS

- venue
- civil procedure
- section 1983

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

1. Whether venue was proper in the Southern District of New York under 28 U.S.C. § 1391(b).
2. Whether the action should be transferred to the Southern District of Texas under 28 U.S.C. § 1406(a) because the action was filed in the wrong venue.

#### HOLDINGS

1. The Southern District of New York was not a proper venue because the respondent appeared to reside in Texas and the alleged events occurred in Texas, not in the Southern District of New York.
2. When an action is filed in the wrong venue, the court may transfer it under 28 U.S.C. § 1406(a) to a district where it could have been brought if transfer is in the interest of justice; transfer to the Southern District of Texas was warranted here.

#### KEY QUOTATIONS

*“Under 28 U.S.C. § 1406(a), if a plaintiff files a case in the wrong venue, 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.””*

*“This court is not a proper venue for this action, and all of the alleged events occurred in the Southern District of Texas.”*

#### FACTUAL BACKGROUND

Dowling alleged claims arising from events that occurred in Houston, Cypress, Springfield, and Spring, Texas. The alleged events were located within Harris and Jim Wells Counties, which the court determined are within the Southern District of Texas. The respondent appeared to be an office of the State of Texas.

#### PROCEDURAL HISTORY

Angela Perez Dowling filed the action in the Southern District of New York against the State Prosecutors Office of Texas. The court concluded that the alleged events occurred in Texas and that the Southern District of Texas was a proper venue, while the Southern District of New York was not. The court ordered transfer rather than dismissal in the interest of justice and closed the action in the transferring court.

#### DISPOSITION

transferred

#### REMAND INSTRUCTIONS

The Clerk was directed to transfer the action to the United States District Court for the Southern District of Texas. The transferee court was to determine whether Plaintiff could proceed without prepayment of fees.

#### CASES CITED

- *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962)

#### OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK ANGELA PEREZ DOWLING, Petitioner, 1:26-CV-1380 (LTS) -against- TRANSFER ORDER STATE PROSECUTORS OFFICE OF TEXAS, Respondent. LAURA TAYLOR SWAIN, Chief United States District Judge: Angela Perez Dowling, who appears pro se, filed this action naming the State Prosecutors Office of Texas as Respondent and asserting claims arising from events alleged to have occurred in Houston, Cypress, Springfield, and Spring, Texas.

The Court understands this action as brought under 42 U.S.C. § 1983 and under state law. For the following reasons, the Court transfers this action, under 28 U.S.C. § 1406(a), to the United States District Court for the Southern District of Texas. DISCUSSION Under the appropriate venue provision for Plaintiff's claims, this action must be brought 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 a substantial part of property that is the subject of the action is situated; 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.

28 U.S.C. § 1391(b). Under Section 1391(c), for venue purposes, a "natural person" resides in the judicial district where the person is domiciled, and any other entity "with the capacity to sue and be sued," if a defendant, resides in any judicial district where it is subject to personal jurisdiction with respect to the civil action in question. § 1391(c)(1), (2).

Respondent appears to be an office of the State of Texas, which would seem to reside in all of the federal judicial districts that are located within the State of Texas, see 28 U.S.C. § 124, but not in this judicial district.<sup>1</sup> Thus, all of the United States District Courts for the federal judicial districts within the State of Texas are proper venues for this action, under Section 1391(b)(1), but not this court.

Plaintiff alleges that the events that are bases for her claims occurred in Houston, Cypress, Springfield, and Spring, Texas, within Harris and Jim Wells Counties, Texas, in the Southern District of Texas, see § 124(b)(2), (6), not in this judicial district.

Thus, it would appear that, while this court is also not a proper venue for this action under Section 1391(b)(2), the United States District Court for the Southern District of Texas is a proper venue for this action, under that provision.

Under 28 U.S.C. § 1406(a), if a plaintiff files a case in the wrong venue, 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). This court is not a proper venue for this action, and all of the alleged events occurred in the Southern District of Texas.

Because the federal district court for that judicial district is a proper venue for this action under Section 1391(b)(1) and (2), in the interest of justice, the Court transfers this action to the United States District Court for the Southern District of Texas. See *id.* 1 The judicial district for this court, the Southern District of New York, is comprised of the following New York State counties: (1) New York (New York City Borough of Manhattan); (2) Bronx (New York City Borough of the Bronx); (3) Westchester; (4) Dutchess; (5) Rockland; (6) Orange; (7) Putnam; and (8) Sullivan.

See 28 U.S.C. § 112(b). **CONCLUSION** The Court directs the Clerk of Court to transfer this action to the United States District Court for the Southern District of Texas. See 28 U.S.C. § 1406(a). Whether Plaintiff should be permitted to proceed further without prepayment of fees is a determination to be made by the transferee court. A summons shall not issue from this court.

This order closes this action in this court. The Court certifies, pursuant to 28 U.S.C § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, in forma pauperis status is denied for the purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). **SO ORDERED.** Dated: March 17, 2026 New York, New York /s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN Chief United States District Judge