

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Cody Johnson v. Department of Corrections & Public Safety et al.

No. 26-1173, Section P(3) (E.D. La. June 3, 2026) · No. No. 26-1173 · Decided June 3, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana determines that venue is improper because the alleged events occurred in Madison Parish, within the Western District of Louisiana. The court orders the pro se prisoner civil-rights action transferred to the Western District of Louisiana under 28 U.S.C. §§ 1404(a) and 1406(a).

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	June 3, 2026
DOCKET	No. 26-1173
DISPOSITION	remanded
PROCEDURAL POSTURE	Pro se plaintiff submitted a civil-rights complaint under 42 U.S.C. § 1983 in the Eastern District of Louisiana. The court determined that venue was improper and transferred the action to the Western District of Louisiana.
PRECEDENTIAL VALUE	unknown

TOPICS

venue section 1983 civil rights civil procedure

PRACTICE AREAS

civil procedure civil rights venue

QUESTIONS PRESENTED

- Whether venue was proper in the Eastern District of Louisiana under 28 U.S.C. § 1391(b).
- Whether the action should be transferred to the Western District of Louisiana under 28 U.S.C. §§ 1404(a) and 1406(a) because venue was improper in the Eastern District and proper in the Western District.

HOLDINGS

1. Venue was not proper in the Eastern District of Louisiana because the complaint did not allege that any defendant resided there or that any substantial part of the events or omissions giving rise to the claims occurred there.
2. The action should be transferred to the Western District of Louisiana because venue was proper there and transfer was in the interest of justice and fairness to the parties.

KEY QUOTATIONS

“Because venue is not proper in the Eastern District of Louisiana but would be proper in the Western District of Louisiana, the Court finds that it is in the interest of justice and fairness to the parties that this civil action be transferred to the Western District of Louisiana for further consideration.”

FACTUAL BACKGROUND

Johnson alleged that he was raped and sexually abused while serving his sentence at the Madison Parish Correction Center. Madison Parish is located within the geographical boundaries of the Western District of Louisiana, and the complaint did not allege that the defendants resided in the Eastern District of Louisiana.

PROCEDURAL HISTORY

Cody Johnson filed a pro se § 1983 complaint alleging rape and sexual abuse at the Madison Parish Correction Center. The Eastern District of Louisiana found that neither the defendants' residence nor the relevant events were alleged to be within that district and transferred the case to the Western District of Louisiana under 28 U.S.C. §§ 1404(a) and 1406(a).

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action was transferred to the United States District Court for the Western District of Louisiana for further consideration.

CASES CITED

- Balawajder v. Scott, 160 F.3d 1066, 1067 (5th Cir. 1998)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA CODY JOHNSON CIVIL ACTION VERSUS NO. 26-1173 DEPARTMENT OF CORRECTIONS & SECTION “P”(3) PUBLIC SAFETY ET AL. ORDER AND REASONS Plaintiff, Cody Johnson, submitted for filing this pro se complaint under 42 U.S.C. § 1983.

In this lawsuit, he alleges that he was raped and sexually abused while serving his sentence at the Madison Parish Correction Center. Federal law provides: A civil action may 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). In the instant case, the defendants are not alleged to reside in the Eastern District of Louisiana. Further, no part of the events or omissions giving rise to plaintiff’s claims occurred within this district. Those events or omissions allegedly occurred in Madison Parish, which is within the geographical boundaries of the United States District Court for the Western District of Louisiana.

28 U.S.C. § 98(c). Pursuant to 28 U.S.C. §§ 1404(a) and 1406(a), a district in which venue is wrong may transfer a case to another district or division in which venue is proper, if such transfer is in the interest of justice. *Balawajder v. Scott*, 160 F.3d 1066, 1067 (5th Cir. 1999).

Because venue is not proper in the Eastern District of Louisiana but would be proper in the Western District of Louisiana, the Court finds that it is in the interest of justice and fairness to the parties that this civil action be transferred to the Western District of Louisiana for further consideration.

Accordingly, IT IS ORDERED that the captioned matter be TRANSFERRED to the United States District Court for the Western District of Louisiana. New Orleans, Louisiana, this 3rd day of June, 2026. UNITED STATES MAGISTRATE JUDGE