

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

D. George Sweigert v. Drug Enforcement Administration, New York
State Education Dept.

Sweigert · No. 26-CV-01342 (LTS) · Decided March 13, 2026

SUMMARY

The United States District Court for the Southern District of New York transferred a pro se action asserting claims under the Freedom of Information Act and New York’s Freedom of Information Law to the Eastern District of Virginia under 28 U.S.C. § 1406. The court concluded that venue was not adequately alleged in the Southern District of New York and that the Eastern District of Virginia was an appropriate venue because the Drug Enforcement Administration’s records were situated there.

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 13, 2026
DOCKET	26-CV-01342 (LTS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se action under the Freedom of Information Act and New York's Freedom of Information Law in the Southern District of New York. The court considered venue sua sponte and transferred the action under 28 U.S.C. § 1406.
STANDARD OF REVIEW	The court applied the statutory venue standards under FOIA and 28 U.S.C. § 1406; no deferential appellate standard of review was involved.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	D. George Sweigert v. Drug Enforcement Administration, New York State Education Department

TOPICS

venue

administrative law

civil procedure

judicial review of agency action

PRACTICE AREAS

civil procedure

administrative law

freedom of information

QUESTIONS PRESENTED

1. Whether venue was proper in the Southern District of New York for Plaintiff's FOIA claim.
2. Whether the action should be dismissed or transferred under 28 U.S.C. § 1406 because it was filed in an improper venue.
3. Whether the transferee court should determine whether to exercise supplemental jurisdiction over the New York FOIL claims.

HOLDINGS

1. The Southern District of New York was not shown to be a proper venue for Plaintiff's FOIA claim because Plaintiff alleged that he resided in South Dakota, did not plausibly establish a place of business in the district, and did not plead that the requested records were situated there.
2. When a case is filed in the wrong venue, the court may dismiss or, in the interest of justice, transfer it to a district where it could have been brought; transfer to the Eastern District of Virginia was appropriate because the DEA's records were situated there.
3. The transferee court will determine whether to exercise supplemental jurisdiction over Plaintiff's claims against NYSED under New York FOIL.

KEY QUOTATIONS

“Under 28 U.S.C. § 1406, 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.””

“In the interest of justice, the Court transfers this action to the United States District Court for the Eastern District of Virginia because the DEA’s records are situated in the Eastern District of Virginia.”

FACTUAL BACKGROUND

Plaintiff sought records from the DEA and NYSED under FOIA and New York FOIL. The DEA is headquartered in Springfield, Virginia, and NYSED is located in Albany, New York. Plaintiff stated that he resided in Box Elder, South Dakota, and did not plead facts plausibly showing that his place of business or the requested records were located in the Southern District of New York.

PROCEDURAL HISTORY

Sweigert filed a complaint seeking records allegedly possessed by the Drug Enforcement Administration and the New York State Education Department. He alleged that he resided in South Dakota and asserted, without supporting facts, that his place of business and the requested records were in the Southern District of New York.

The court concluded that venue was not proper in the Southern District of New York and transferred the action to the Eastern District of Virginia because the DEA records were situated there.

DISPOSITION

other

REMAND INSTRUCTIONS

The Clerk was directed to transfer the action to the United States District Court for the Eastern District of Virginia. The transferee court was left to decide whether Plaintiff may proceed without prepayment of fees and whether to exercise supplemental jurisdiction over the FOIL claims. Summonses were not to issue from the Southern District of New York, and the order closed the case there.

CASES CITED

- Ramirez v. Bondi, No. 25-CV-10502 (LTS), 2025 WL 3755669, at *1 (S.D.N.Y. Dec. 23, 2025)
- City of Chicago v. International College of Surgeons, 522 U.S. 156, 173 (1997)
- Coppedge v. United States, 369 U.S. 438, 444-45 (1962)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK D. GEORGE SWEIGERT, Plaintiff, -against- 26-CV-01342 (LTS) DRUG ENFORCEMENT TRANSFER ORDER ADMINISTRATION, NEW YORK STATE EDUCATION DEPT., Defendants. LAURA TAYLOR SWAIN, Chief United States District Judge: Plaintiff brings this pro se action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 et seq., and the New York State Freedom of Information Law (“FOIL”), N.Y.

Pub. Off. Law §§ 84 to 90, seeking documents allegedly in the possession of the Drug Enforcement Administration (“DEA”) and the New York State Education Department (“NYSED”) and naming the DEA and NYSED as Defendants.

The DEA is headquartered in Springfield, Virginia, and the NYSED in Albany, New York. For the following reasons, the Court transfers this action under 28 U.S.C. § 1406 to the United States District Court for the Eastern District of Virginia. DISCUSSION A. FOIA A claim under FOIA may be brought “in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District 1 Plaintiff cites N.Y.

Comp. Codes. R. & Regs. tit. 21 §§ 1401 et seq., which set out the procedures for obtaining records under FOIL. of Columbia.” 5 U.S.C. § 552(a)(4)(B). For venue purposes, an individual resides in the district where the person is “domiciled.” 28 U.S.C. § 1391(c)(1). Plaintiff seeks records from the DEA, located in Springfield, Virginia, which is in Fairfax County; therefore, venue for Plaintiff’s FOIA claim could be proper in the Eastern District of Virginia.

See *Ramirez v. Bondi*, No. 25-CV-10502 (LTS), 2025 WL 3755669, at *1 (S.D.N.Y. Dec. 23, 2025) (noting that Fairfax County is located in the Eastern District of Virginia, citing 28 U.S.C. § 127(a)). The District of Columbia is also a proper venue for any FOIA matter. 5 U.S.C. § 552(a)(4)(B). But no allegations in the complaint suggest that the Southern District of New York is a proper venue.

First, Plaintiff states in the complaint that he resides in Box Elder, South Dakota, thus making the District of South Dakota—not this district—a proper venue. Second, though the complaint asserts that Plaintiff’s place of business is in this district, it alleges no facts that plausibly suggest that this is so.

For example, Plaintiff does not provide an address for his place of business. Finally, the complaint also fails to plead facts that suggest that the sought records are situated here. Under 28 U.S.C. § 1406, 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.

In the interest of justice, the Court transfers this action to the United States District Court for the Eastern District of Virginia because the DEA’s records are situated in the Eastern District of Virginia. B. FOIL Because this action is being transferred, the transferee court will determine whether it will exercise supplemental jurisdiction of Plaintiff’s claims against NYSED under FOIL.

See 28 U.S.C. §1367(c)(3), *City of Chicago v. Int’l Coll. of Surgeons*, 522 U.S. 156, 173 (1997). CONCLUSION The Clerk of Court is directed to transfer this action to the United States District Court for the Eastern District of Virginia. Whether Plaintiff should be permitted to proceed further without prepayment of fees is a determination to be made by the transferee court.

Summonses shall not issue from this Court. This order closes this case. 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 13, 2026 New York, New York /s/Laura Taylor Swain LAURA TAYLOR SWAIN Chief United States District Judge