

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
TEXAS, DALLAS DIVISION

Sharisse Stephenson v. Bon Secours Mercy Health, et al.

Stephenson · No. 3:26-cv-799-B-BN · Decided April 8, 2026

SUMMARY

The United States District Court for the Northern District of Texas transferred Sharisse Stephenson’s ADA lawsuit to the Norfolk Division of the Eastern District of Virginia under 28 U.S.C. § 1406(a). The court concluded that venue was not proper in Texas based on the alleged employment events and parties’ connections to Virginia, and noted that both sides consented to the transfer.

CASE DETAILS

COURT	United States District Court for the Northern District of Texas, Dallas Division
WRITING FOR THE COURT	David L. Horan
JURISDICTION	United States District Court for the Northern District of Texas, Dallas Division
DECIDED	April 8, 2026
DOCKET	3:26-cv-799-B-BN
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se complaint alleging violations of the Americans with Disabilities Act. Defendants moved to dismiss for improper venue under Federal Rule of Civil Procedure 12(b)(3), or alternatively to transfer the case to the Norfolk Division of the Eastern District of Virginia. Plaintiff did not oppose the alternative transfer request.
STANDARD OF REVIEW	On a Rule 12(b)(3) motion, once improper venue is raised, the plaintiff bears the burden of establishing that the chosen venue is proper. A district court has discretion under 28 U.S.C. § 1406(a) to transfer rather than dismiss an action filed in an improper venue when transfer serves the interest of justice.
PRECEDENTIAL VALUE	nonprecedential district court memorandum opinion
PARTIES	Sharisse Stephenson v. Bon Secours Mercy Health, Bon Secours Medical Group Hampton Roads Specialty Care LLC, et al.

TOPICS

venue ada / disability motions to dismiss civil procedure

PRACTICE AREAS

civil procedure employment law disability discrimination civil rights

QUESTIONS PRESENTED

1. Whether venue was proper in the Northern District of Texas for Stephenson's ADA claims.
2. Whether the court should dismiss the case for improper venue or transfer it to the Norfolk Division of the Eastern District of Virginia under 28 U.S.C. § 1406(a).
3. Whether a magistrate judge may order transfer of a case to another federal district as a nondispositive matter under 28 U.S.C. § 636(b)(1)(A).

HOLDINGS

1. Venue was not shown to be proper in the Northern District of Texas because the allegations and exhibits connected the alleged unlawful employment practices, the employment, the accommodation denial, and the EEOC charge to Virginia, and Plaintiff did not plausibly allege that the unlawful employment practices occurred elsewhere in Texas.
2. Rather than dismissing the action, the court properly transferred it immediately to the Norfolk Division of the Eastern District of Virginia under 28 U.S.C. § 1406(a), because that division was a proper venue and both sides consented to the transfer.
3. A magistrate judge may order transfer of a case to another federal district or to another division of the same court as a nondispositive matter under 28 U.S.C. § 636(b)(1)(A).

KEY QUOTATIONS

“Where venue is improper, the district court should generally dismiss the case.” (at 3)

“But the court retains discretion to transfer it to a proper venue if such a transfer would serve ‘the interest of justice.’” (at 3)

“The Court GRANTS Defendants’ motion [Dkt. No. 13] to the extent that it ORDERS that this case be IMMEDIATELY TRANSFERRED to the Norfolk Division of the Eastern District of Virginia under 28 U.S.C. § 1406(a), as both sides consent to this transfer.” (at 5)

FACTUAL BACKGROUND

Stephenson alleged that Defendants violated the ADA in connection with her employment and a denied workplace-accommodation request. Although she alleged that she resided in Dallas, the complaint and attached exhibits indicated that Defendants operated specialty clinics in Virginia, employed her in Suffolk, Virginia, and denied her accommodation request while she resided in Virginia. The exhibits also indicated that she filed the relevant EEOC charge in Norfolk, Virginia.

PROCEDURAL HISTORY

The case was filed in the Northern District of Texas, Dallas Division, and referred to Magistrate Judge David L. Horan for pretrial management. The court ordered Plaintiff to show why the case should not be transferred based on improper or inconvenient venue, later extending the response deadline. Defendants moved under Rule 12(b) (3) or alternatively for transfer, and the court granted the motion in part by immediately transferring the case to the Norfolk Division of the Eastern District of Virginia under 28 U.S.C. § 1406(a).

DISPOSITION

other

CASES CITED

- Int'l Truck & Engine Corp. v. Quintana, 259 F. Supp. 2d 553, 558 (N.D. Tex. 2003)
- Seville v. Maersk Line, Ltd., 53 F.4th 890, 894 (5th Cir. 2022)
- Caldwell v. Palmetto State Sav. Bank of S.C., 811 F.2d 916, 919 (5th Cir. 1987)
- Franco v. Mabe Trucking Co., 3 F.4th 788 (5th Cir. 2021)
- Dabney v. A&R Logistics, Inc., Civ. A. No. 14-788-BAJ-RLB, 2015 WL 4210988, at *2 (M.D. La. July 10, 2015)
- In re Horseshoe Entm't, 337 F.3d 429, 432-33 (5th Cir. 2003)
- Pinson v. Rumsfeld, 192 F. App'x 811, 817 (11th Cir. 2006) (per curiam)
- Allen v. U.S. Dep't of Homeland Sec., 514 F. App'x 421, 422 n.3 (5th Cir. 2013) (per curiam)
- Beavers v. Express Jet Holdings, Inc., 421 F. Supp. 2d 994, 996 (E.D. Tex. 2005)
- Adams v. Cal-Ark Int'l, Inc., 159 F. Supp. 2d 402, 409 (E.D. Tex. 2001)
- In re Google, L.L.C., No. 25-40788, 2026 WL 934924, at *2 (5th Cir. Apr. 7, 2026)