

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Gary Martin v. C.O. Taylor – Upstate Box et al.

Martin · No. 25-CV-828-LJV · Decided January 14, 2026

SUMMARY

The United States District Court for the Western District of New York transfers Gary Martin’s 42 U.S.C. § 1983 action to the Northern District of New York under 28 U.S.C. § 1406(a) because the primary events occurred at Upstate Correctional Facility in Malone, New York, and venue was not proper in the Western District. The court makes no ruling on the sufficiency or merits of the complaint or Martin’s motion to proceed in forma pauperis.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Lawrence J. Vilardo
JURISDICTION	United States District Court for the Western District of New York
DECIDED	January 14, 2026
DOCKET	25-CV-828-LJV
DISPOSITION	other
PROCEDURAL POSTURE	Pro se prisoner brought an action under 42 U.S.C. § 1983 in the Western District of New York and moved to proceed in forma pauperis. The court sua sponte determined that venue was improper and transferred the action to the Northern District of New York under 28 U.S.C. § 1406(a), without addressing the sufficiency of the complaint or the in forma pauperis motion.
STANDARD OF REVIEW	The court applied the statutory venue standards under 28 U.S.C. § 1391 and determined whether transfer was warranted under 28 U.S.C. § 1406(a).
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Gary Martin v. C.O. Taylor, Upstate Box, et al.

TOPICS

- venue
- civil rights
- section 1983
- civil procedure

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

venue

section 1983

QUESTIONS PRESENTED

1. Whether venue was proper in the Western District of New York under 28 U.S.C. § 1391.
2. Whether the action should be transferred in the interest of justice to the Northern District of New York under 28 U.S.C. § 1406(a).

HOLDINGS

1. Venue was improper in the Western District of New York because the material events underlying Martin's claims occurred in Malone, New York, within the Northern District of New York, and Martin did not allege that any defendant resided in the Western District.
2. The action should be transferred, rather than dismissed, to the Northern District of New York because venue was improper in the Western District and transfer was in the interest of justice.

KEY QUOTATIONS

“A district court may transfer a case pursuant to 28 U.S.C. § 1406(a) sua sponte.”

“The purpose of section 1406(a)’s transfer provision is to “remov[e] whatever obstacles may impede an expeditious and orderly adjudication of cases and controversies on their merits.””

FACTUAL BACKGROUND

Martin, a prisoner confined at Five Points Correctional Facility, alleged that officers at Upstate Correctional Facility assaulted him and improperly detained him in that facility's box. The specifically named defendants were officers from Upstate Correctional Facility in Malone, New York. Martin also alleged that personnel at Sing Sing Correctional Facility failed to help him after he reported the assault, but the court concluded that his principal claims concerned events at Upstate.

PROCEDURAL HISTORY

Martin filed claims arising from an alleged assault by officers at Upstate Correctional Facility and his placement in that facility's disciplinary or restrictive housing box. The case was filed in the Western District of New York. The court found that the material events occurred in Malone, New York, within the Northern District of New York, and that no defendant was alleged to reside in the Western District. In the interest of justice, the court transferred the action to the Northern District of New York and vacated the administrative-closing judgment.

DISPOSITION

other

REMAND INSTRUCTIONS

The Clerk was ordered to transfer the case to the United States District Court for the Northern District of New York. The court made no ruling on the sufficiency of the complaint or the merits of the motion to proceed in forma pauperis; the Northern District was left to address those issues.

CASES CITED

- Grefer v. Chirco, 2023 WL 1798728, at *1 (W.D.N.Y. Feb. 7, 2023)
- Goldlawr, Inc. v. Heiman, 369 U.S. 463, 466-67 (1962)
- Andrew H. by Irene H. v. Ambach, 579 F. Supp. 85, 88 (S.D.N.Y. 1984)

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