

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
NEW YORK

**Sterling L. Johnson, et al. v. Elon Musk, et al.**

Johnson v. Musk · No. 25-CV-5881 (LTS) · Decided May 22, 2026

SUMMARY

The United States District Court for the Southern District of New York transfers this pro se civil action to the Central District of Illinois under 28 U.S.C. §§ 1391(b)(2) and 1406(a). The court concludes that the alleged events primarily occurred in Illinois and that venue is not proper in the Southern District of New York.

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               | May 22, 2026                                                                                                                                                                                         |
| DOCKET                | 25-CV-5881 (LTS)                                                                                                                                                                                     |
| DISPOSITION           | other                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | The Southern District of New York sua sponte considered whether venue was proper and entered a transfer order transferring the action to the Central District of Illinois under 28 U.S.C. § 1406(a). |
| STANDARD OF REVIEW    | The court applied the statutory venue provisions and exercised its discretion under 28 U.S.C. § 1406(a) to determine whether transfer rather than dismissal was in the interest of justice.          |
| PRECEDENTIAL VALUE    | unpublished district court order; generally nonprecedential                                                                                                                                          |

TOPICS

venue civil procedure

PRACTICE AREAS

civil procedure venue

QUESTIONS PRESENTED

1. Whether venue was proper in the Southern District of New York under 28 U.S.C. § 1391(b)(1) or (2).
2. Whether the action should be transferred to the Central District of Illinois rather than dismissed under 28 U.S.C. § 1406(a).

#### HOLDINGS

1. Venue was not proper in the Southern District of New York because the complaint did not allege that any defendant resided in that district or that a substantial part of the events giving rise to the claims occurred there.
2. When venue is improper, transfer to a district in which the action could have been brought is appropriate in the interest of justice; the action was therefore transferred to the Central District of Illinois.

#### 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.””*

#### FACTUAL BACKGROUND

Plaintiff, a resident of Peoria, Illinois, filed a pro se complaint purportedly on his own behalf and on behalf of Sean Combs. The complaint alleged events connected to Plaintiff's incarceration at the Jacksonville Correctional Center and other Illinois correctional facilities, as well as alleged evidence tampering at an Illinois hospital. The defendants included the Illinois Department of Corrections, Illinois correctional facilities, the Peoria State Attorney's Office, and the Mayor of Chicago.

#### PROCEDURAL HISTORY

Plaintiff filed a 213-page pro se complaint in the Southern District of New York against more than 40 defendants. The complaint alleged events occurring primarily in Illinois and named numerous Illinois defendants and entities. The court concluded that venue was improper in the Southern District of New York and transferred the action to the Central District of Illinois in the interest of justice. The order closed the case in the transferring court, directed that no summons issue there, and left pending motions for adjudication by the transferee court.

#### DISPOSITION

other

#### REMAND INSTRUCTIONS

The Clerk was directed to transfer the action to the United States District Court for the Central District of Illinois. Any pending motions were to be adjudicated by the transferee court. No summons was to issue from the Southern District of New York.

#### CASES CITED

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

## OPINION

Musk

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

STERLING L. JOHNSON, ET AL.,

Plaintiffs,

25-CV-5881 (LTS)

-against-

TRANSFER ORDER

ELON MUSK, ET AL.,

Defendants. LAURA TAYLOR SWAIN, Chief United States District Judge: Plaintiff, a resident of Peoria, Illinois, filed this 213-page pro se complaint on his own behalf and purportedly on behalf of Sean Combs. He names more than 40 defendants, including the Illinois Department of Correction, correctional facilities in Illinois, the State Attorney's Office in Peoria, and the Mayor of Chicago. For the following reasons, this action is transferred to the United States District Court for the Central District of Illinois.

## DISCUSSION

Under 28 U.S.C. § 1391(b), 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 (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. For venue purposes, a "natural person" resides in the district where the person is domiciled, and an "entity with the capacity to sue and be sued" resides in any judicial district where it is subject to personal jurisdiction with respect to the civil action in question. See 28 U.S.C. § 1391(c)(1), (2). The events giving rise to this complaint are not entirely clear, but Plaintiff alleges that:

(1) at least some of those events occurred during his incarceration in the Jacksonville Correctional Center, in Morgan County, Illinois, and in other Illinois correctional facilities (ECF 1 at 5); (2) he references a "rape kit" and evidence tampering at "OSF" Hospital in Illinois (Id. at 6); (3) among the myriad Defendants are the Illinois Department of Correction, correctional facilities in Illinois, the State Attorney's Office in Peoria, and the mayor of Chicago; and (4) attachments to the complaint include documents pertaining to Plaintiff's incarceration in Illinois. (ECF 1-1 through 1-3.) Because Plaintiff does not allege that any Defendant resides in this district, or that the alleged events occurred in this district, from the face of the complaint, it is clear that venue is not proper in this Court under Section 1391(b)(1), (2). 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(a). It appears that at least some of the events giving rise to Plaintiff’s claims occurred in the Jacksonville Correctional Center, in Morgan County, Illinois, which falls within the Central District of Illinois. See 28 U.S.C. § 93(b). Accordingly, venue lies in the Central District of Illinois, 28 U.S.C. § 1391(b)(2), and in the interest of justice, the Court transfers this action to the United States District Court for the Central District of Illinois, 28 U.S.C. § 1406(a).

#### CONCLUSION

The Clerk of Court is directed to transfer this action to the United States District Court for the Central District of Illinois. The Court waives the provision of Local Civil Rule 83.1 that requires a seven-day delay before the Clerk of Court may effectuate the transfer of these cases to the transferee court. A summons shall not issue from this Court. Any pending motions are to be adjudicated by the transferee court. This order closes this case. The Court certifies, under 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). SO ORDERED. Dated: May 22, 2026 New York, New York /s/ Laura Taylor Swain

LAURA TAYLOR SWAIN

Chief United States District Judge