

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PRECEDENTIAL VALUE	unpublished district court order; generally nonprecedential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)

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