

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

David Leon Terry v. Amaury Guzman; MDC Brooklyn

26-CV-0718 (LTS) · No. 26-CV-0718 (LTS) · Decided January 28, 2026

SUMMARY

The Southern District of New York transfers David Leon Terry’s pro se action to the Eastern District of New York because the alleged assault occurred at MDC Brooklyn in Kings County, within the Eastern District. The court relies on the federal venue statutes and directs that the transferee court determine whether the plaintiff may proceed without prepayment of fees.

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	January 28, 2026
DOCKET	26-CV-0718 (LTS)
DISPOSITION	transferred
PROCEDURAL POSTURE	Pro se plaintiff brought an action arising from an alleged assault at MDC Brooklyn. The Southern District of New York sua sponte transferred the action to the Eastern District of New York for improper venue and the convenience and interests-of-justice considerations identified in the transfer statutes.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court transfer order

TOPICS

- venue
- civil procedure
- section 1983
- civil rights

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights

QUESTIONS PRESENTED

1. Whether venue was proper in the Southern District of New York under 28 U.S.C. § 1391.

2. Whether the action should be transferred to the Eastern District of New York under 28 U.S.C. §§ 1404(a) or 1406(a) because the claims arose there.

HOLDINGS

1. Venue did not lie in the Southern District of New York under § 1391(b)(2) because the events giving rise to Plaintiff's claims occurred at MDC Brooklyn in Kings County, which is within the Eastern District of New York.
2. The action should be transferred to the United States District Court for the Eastern District of New York in the interest of justice because venue was proper there where Plaintiff's claims arose.

KEY QUOTATIONS

“Venue is proper, under Section 1391(b)(2), in the Eastern District of New York, where Plaintiff’s claims arose.” (Discussion)

“The Clerk of Court is directed to transfer this action to the United States District Court for the Eastern District of New York.” (Conclusion)

FACTUAL BACKGROUND

Plaintiff was detained at MDC Brooklyn in Brooklyn, New York. He alleged that he was assaulted in his cell at MDC Brooklyn on December 4, 2025, and seriously injured. The alleged assault formed the basis of his claims against Amaury Guzman and MDC Brooklyn.

PROCEDURAL HISTORY

Plaintiff, detained at MDC Brooklyn, filed this action in the Southern District of New York. The court determined that the events underlying the claims occurred in Kings County, within the Eastern District of New York, and transferred the case there. The court closed the case in the Southern District of New York and left any determination concerning proceeding without prepayment of fees to the transferee court.

DISPOSITION

transferred

CASES CITED

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

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK DAVID LEON TERRY, Plaintiff, 26-CV-0718 (LTS) -against- TRANSFER ORDER AMAURY GUZMAN, Inmate at MDC Brooklyn; MDC BROOKLYN, Defendants. LAURA TAYLOR SWAIN, Chief United States District Judge: Plaintiff, who is detained at MDC Brooklyn in Brooklyn, New York,

brings this action pro se. He asserts claims arising from an incident on December 4, 2025, in which he alleges that he was assaulted in his cell at MDC Brooklyn and seriously injured.

For the following reasons, the Court transfers this action to the United States District Court for the Eastern District of New York. DISCUSSION Under the general venue provision, 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 a substantial part of property that is the subject of the action is situated; 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.

28 U.S.C. § 1391(b). For purposes of venue, 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). Plaintiff alleges that he was assaulted at MDC Brooklyn, which is in Kings County.

Kings County is within the Eastern District of New York. 28 U.S.C. § 112(c). Venue thus does not lie in this district under Section 1391(b)(2), based on the location where the events giving rise to the claims occurred. It is unclear if venue lies in this district under Section 1391(b)(1), based on the residence of all Defendants, as there are no facts in the complaint about where individual Defendant Amaury Guzman resides.

Venue is proper, under Section 1391(b)(2), in the Eastern District of New York, where Plaintiff's claims arose. Accordingly, in the interest of justice, the Court transfers this action to the United States District Court for the Eastern District of New York, 28 U.S.C. §§ 1404(a), 1406(a). CONCLUSION The Clerk of Court is directed to transfer this action to the United States District Court for the Eastern District of New York.

Whether Plaintiff should be permitted to proceed further without prepayment of fees is a determination to be made by the transferee court. A summons shall not issue from this Court. This order closes the case in the Southern District of New York.

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: January 28, 2025 New York, New York /s/ Laura Taylor Swain LAURA TAYLOR SWAIN Chief United States District Judge

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