

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS, BEAUMONT DIVISION**

Michael David Jones v. McLennan County

Civil Action No. 1:26-cv-61 (E.D. Tex. Mar. 27, 2026) · No. 1:26-cv-61 · Decided March 27, 2026

SUMMARY

The court concluded that venue was improper in the Eastern District of Texas because the plaintiff's claims arose in McLennan County, which lies within the Western District of Texas. Pursuant to 28 U.S.C. § 1406(a), the court determined that the action should be transferred to the United States District Court for the Western District of Texas, Waco Division.

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION MICHAEL DAVID JONES § VS. § CIVIL ACTION NO. 1:26-cv-61
MCLENNAN COUNTY § MEMORANDUM OPINION REGARDING VENUE Plaintiff
Michael David Jones, an inmate at the McLennan County Jail, proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 against the McLennan County.

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case. Discussion Plaintiff filed this complaint against McLennan County seeking \$240,240.24 in damages for incidents which allegedly occurred in McLennan County concerning his arrest and continued confinement.

Analysis The Civil Rights Act, 42 U.S.C. §1981, et seq., under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. Jones v. Bailey, 58 F.R.D. 453 (N.D. Ga. 1972), aff'd per curium, 480 F.2d 805 (5th Cir. 1973). Plaintiff does not assert jurisdiction is based on diversity of citizenship.

When jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the Defendants reside or in which the claim arose. Plaintiff is currently confined at the McLennan County Jail located in Waco, Texas.

In accordance with 28 U.S.C. § 124, McLennan County, Texas is located within the jurisdictional boundaries of the United States District Court for the Western District of Texas, Waco Division. Plaintiff has alleged no basis for Jurisdiction which would allow him to bring his lawsuit in the Eastern District of Texas.

Therefore, the action should be transferred to the district where Plaintiff is confined and his claims arose, the Western District of Texas. As McLennan County, Texas is located within the jurisdictional boundaries of the United States District Court for the Western District of Texas, venue in the Eastern District of Texas is not proper. When venue is not proper, 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).

This case should be transferred to the United States District Court for the Western District of Texas, Waco Division. An appropriate Order so providing will be entered by the undersigned. SIGNED this 27th day of March, 2026. Zack Hawthorn United States Magistrate Judge