

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

LOPEZ P. BENJAMIN, :  
Plaintiff, :  
 : CASE NO. 18-CV-935  
v. :  
 : July 31, 2018  
CHAPLIN HICKS, ET AL. :  
Defendants. :

ORDER OF TRANSFER

Plaintiff, appearing pro se, has brought claims pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and the Federal Tort Claims Act (“FTCA”). He initially filed his suit in the United States District Court for the District of Columbia, before Judge Colleen Kollar-Kotelly. Judge Kollar-Kotelly ordered the case transferred to the District of Connecticut because the Defendant was incarcerated at FCI Danbury in Danbury, Connecticut at the time he filed his suit. [Dkt. No. 4]. Judge Kollar-Kotelly noted that *Bivens* claims are properly brought in the judicial district in which the offending defendants reside or where a substantial part of the events occurred. [Dkt. No. 4 (citing 29 U.S.C. § 1391(b); *Ashcroft v. Iqbal*, 556 U.S. 662, 676 (2009); *Simpkins v. District of Columbia*, 108 F.3d 366, 369 (D.C. Cir. 1997)]. She also noted that FTCA claims may be brought only in the district where the plaintiff resides or where the act or omission complained of occurred. [Dkt. No. 4 (citing 28 U.S.C. § 1402(b))].

The transfer became effective on June 4, 2018, and the Clerk entered Chambers’ standard case opening orders on that date. The Clerk then mailed copies of these orders to the Plaintiff at FCI Danbury, where Judge Kollar-

**Kotelly's decision stated that Plaintiff was incarcerated. These mailings were returned as undeliverable because Plaintiff was not in fact incarcerated at FCI Danbury at the time of the transfer. Shortly thereafter, an inmate search located Plaintiff at Rivers Correctional Institution in Winton, North Carolina.**

**Judge Kollar-Kotelly's original transfer order was proper. However, Connecticut now has no connection to this action; none of the parties reside here and none of the events giving rise to this action took place here. All of the Defendants to this action reside in either North Carolina or Minnesota and the Plaintiff now resides in Winton, North Carolina by virtue of his incarceration at the Rivers Correctional Institution. Further, a substantial part of the events giving rise to Plaintiff's causes of action took place in Butner, North Carolina, where the Plaintiff was previously incarcerated. The Eastern District of North Carolina is therefore a more convenient forum, and it is in the interest of justice to transfer this case there, pursuant to 28 U.S.C. § 1404(a).**

**Accordingly, the Clerk is directed to transfer this case to the United States District Court for the Eastern District of North Carolina.**

**SO ORDERED this 31<sup>st</sup> Day of July, 2018 at Hartford, Connecticut.**

**/s/  
Honorable Vanessa L. Bryant  
United States District Judge**