

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JAN 12 2009

**Clerk, U.S. District and
Bankruptcy Courts**

Ernest Nelson Goodman,

Plaintiff,

v.

John Lewis, U.S. Congressman, *et al.*,

Defendants.

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Civil Action No.

09 0059

MEMORANDUM OPINION AND ORDER TRANSFERRING CASE

Plaintiff, a prisoner incarcerated at the Ware County Jail in Waycross, Georgia, filed a *pro se* complaint and submitted an application to proceed *in forma pauperis*. The complaint will be dismissed in part and transferred to the correct venue. The application to proceed *in forma pauperis* will be left for the determination of the transferee court.

The complaint names as a defendant U.S. Congressman John Lewis¹ because he did not undertake a congressional investigation of the incident giving rise to these claims. The Congressman enjoys absolute immunity from suit with regard to any decision to seek or decline to authorize a congressional investigation. *Doe v. McMillan*, 412 U.S. 306, 313 (1973) (the Speech and Debate clause immunity encompasses authorizing, or not, a congressional investigation). Accordingly, the claim against Congressman Lewis will be dismissed.

The complaint also alleges facts in support of a claim that individual officers employed by the Waycross Police Department and the Ware County Sheriff's Department used excessive force in arresting plaintiff and then showed deliberate indifference to plaintiff's medical needs upon incarceration. These claims will be construed as ones brought under 42 U.S.C. § 1983.

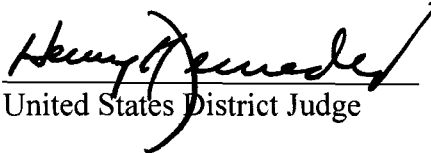
¹ Congressman Lewis is referred to as Congressman Thompson at one point in the complaint. (*See* Compl. at 2.)

Without Congressman Lewis as a defendant, venue does not lie in this jurisdiction. Therefore, in the interest of justice, this case will be transferred pursuant to 28 U.S.C. § 1406 to the United States District Court for the Southern District of Georgia – Waycross Division. The determination of the application to proceed *in forma pauperis* will be left to the transferee court. Accordingly, it is hereby

ORDERED that the claims against Congressman John Lewis are DISMISSED. It is

FURTHER ORDERED that this case is TRANSFERRED to the United States District Court for the Southern District of Georgia, Waycross Division. The Clerk is DIRECTED to transfer the case forthwith.

Date: 12/18/08


United States District Judge