

FILED

AUG 29 2011

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Odis Odell Berry,

Plaintiff,

v.

Brad Livingston *et al.*,

Defendants.

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Civil Action No.

11 1555

MEMORANDUM OPINION

This matter is before the Court on review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application will be granted and the complaint will be dismissed pursuant to 28 U.S.C. § 1915A (requiring dismissal of a prisoner's complaint upon a determination that the complaint fails to state a claim upon which relief may be granted).

Plaintiff is a Texas prisoner incarcerated in Rosharon, Texas. He has submitted a form complaint under 42 U.S.C. § 1983, against numerous defendants in Texas, including prison officials. *See* Compl. at 4 & attached list. Plaintiff accuses the defendants of torture, *id.* at 5, but he has stated no facts to support such a claim. *See Bell Atlantic Corp. v. Twombly*, 555 U.S. 544, 555 (2007) (a plaintiff's "[f]actual allegations must be enough to raise a right to relief above the speculative level . . .") (citations omitted). Even if plaintiff had stated a plausible claim, this judicial district is not the proper venue for litigating claims against Texas defendants for alleged misdeeds that occurred in Texas. *See* 28 U.S.C. § 1391(b) (designating the proper venue under the circumstances presented as the judicial district "where any defendant resides" or where a

substantial part of the events occurred). Given the paucity of the complaint, the Court will dismiss it for failure to state a claim. A separate Order accompanies this Memorandum Opinion.



United States District Judge

Date: August 16, 2011