

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**LATASHA HOLLOWAY,**

**Plaintiff,**

v.

**Civil Action No.: 3:17cv773**

**CITY OF VIRGINIA BEACH,**

**Defendant.**

**MEMORANDUM ORDER**

This matter is before the Court *sua sponte* upon its review of the allegations in Plaintiff Latasha Holloway's proposed Complaint. (ECF Nos. 1-1.)

Holloway, a resident of Virginia Beach, Virginia, files a Motion for Leave to Proceed *in Forma Pauperis* pursuant to 28 U.S.C. § 1915(a)(1).<sup>1</sup> (ECF No. 1.) She alleges that "the City of Virginia Beach's at-large election to the City Council has the effect of unlawfully diluting or minimizing 'minority voting strength' and equal opportunity to elect candidates of their choice," in violation of federal law. (Compl. 1, ECF No. 1-1.) Holloway lists the City of Virginia Beach, Virginia, as the sole defendant. (*Id.*)

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<sup>1</sup> The statute reads, in pertinent part:

**(a)(1)** [A]ny court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

Pursuant to Rule 3(C) of the Local Civil Rules for the Eastern District of Virginia, the venue rules in 28 U.S.C. § 1391 apply to determine the proper *division* in which an action shall be filed. Thus, under 28 U.S.C. § 1391(b) and Local Civil Rule 3(C), venue is proper in:

- (1) a judicial [division] where any defendant resides . . . ;
- (2) a judicial [division] in which *a substantial part of the events or omissions giving rise to the claim occurred* . . . ; or[,]
- (3) a judicial [division] in which any defendant may be found, if there is no district in which the action may otherwise be brought.

28 U.S.C. § 1391(b) (as modified by E.D. Va. Loc. Civ. R. 3(C) (emphasis added)).

Under Local Civil Rule 3(B)(3), “[t]he Norfolk Division shall consist of the Cities of Norfolk, Portsmouth, Suffolk, Franklin, *Virginia Beach*, Chesapeake, and Cape Charles, and the Counties of Accomack, Northampton, Isle of Wight, Southampton, and any other city or town geographically within the exterior boundaries of said counties.” E.D. Va. Loc. Civ. R. 3(B)(3) (emphasis added). As pled, the only defendant is the City of Virginia Beach. Moreover, given that Holloway’s allegations arise out of the voting procedures in the City of Virginia Beach, a substantial part of the events giving rise to Holloway’s claim likely occurred in Virginia Beach, within the Norfolk Division. Accordingly, pursuant to 28 U.S.C. § 1391(b)(2) and Local Civil Rule 3(C), venue lies in the Norfolk Division, and is not proper in the Richmond Division.<sup>2</sup>

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<sup>2</sup> Further, even if venue were proper in the Richmond Division, the Court would still transfer this matter to the Norfolk Division, pursuant to 28 U.S.C. § 1404(a), finding that the Norfolk Division would be more convenient for the parties and witnesses and that Holloway’s choice of forum is not entitled to substantial weight because Richmond has essentially no connection to the matters at issue. *See Verosol B.V. v. Hunter Douglas, Inc.*, 806 F. Supp. 582, 592 (E.D. Va. 1992).

Accordingly, the Court TRANSFERS this matter to the Norfolk Division.

Let the Clerk send a copy of this Order to Holloway at her address of record and to the Norfolk Division.

It is so ORDERED.

  
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M. Hannah Lauck  
United States District Judge

Date: 2/2/2018  
Richmond, Virginia