

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Kleinschmidt v. California Department of Corrections and
Rehabilitation

Kleinschmidt v. CDCR · No. No. 2:25-cv-1272 AC P · Decided May 20, 2025

SUMMARY

The court addresses venue and the potential transfer of a prisoner civil rights action from the Sacramento Division to the Fresno Division of the Eastern District of California. The court explains that CDCR is not a proper defendant under 42 U.S.C. § 1983 and orders the plaintiff to show cause within twenty-one days why the case should not be transferred based on the alleged events at Pleasant Valley State Prison in Fresno County.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 20, 2025
DOCKET	No. 2:25-cv-1272 AC P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se prisoner civil-rights action under 42 U.S.C. § 1983. The court issued an order to show cause why the action should not be transferred sua sponte from the Sacramento Division to the Fresno Division of the Eastern District of California.
STANDARD OF REVIEW	For a sua sponte venue transfer, the court may transfer under 28 U.S.C. § 1404(a) after giving the parties an opportunity to present their views; an intra-district transfer may be ordered for good cause under E.D. Cal. L.R. 120(f).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Charles Trent Kleinschmidt v. California Department of Corrections and Rehabilitation

TOPICS

venue

forum non conveniens

section 1983

eleventh amendment immunity

civil procedure

PRACTICE AREAS

civil procedure

prisoner civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether the court should consider transferring the action sua sponte under 28 U.S.C. § 1404(a) and E.D. Cal. L.R. 120(f) from the Sacramento Division to the Fresno Division.
2. Whether the alleged facts support transfer because the relevant conduct occurred in Fresno County.
3. Whether California Department of Corrections and Rehabilitation is a proper defendant in a 42 U.S.C. § 1983 action.

HOLDINGS

1. A district court may transfer a case sua sponte under 28 U.S.C. § 1404(a), provided the parties are first given an opportunity to present their views.
2. Transfer to the Fresno Division appeared appropriate because Pleasant Valley State Prison is located in Fresno County and the alleged unlawful conduct occurred there.
3. The California Department of Corrections and Rehabilitation is not a proper defendant in a § 1983 action because the State and its arms, which traditionally enjoy Eleventh Amendment immunity, are not subject to suit under § 1983 in federal or state court.

KEY QUOTATIONS

“a district court may, on its own motion, “transfer a case sua sponte under the doctrine of forum non conveniens, as codified at 28 U.S.C. § 1404(a), so long as the parties are first given the opportunity to present their views on the issue.”” (1)

“Will[v. Mich. Dep’t of State Police, 491 U.S. 58 (1989)] establishes that the State and arms of the State, which have traditionally enjoyed Eleventh Amendment immunity, are not subject to suit under § 1983 in either federal court or state court.” (1)

FACTUAL BACKGROUND

Plaintiff, a state prisoner, alleged that after reincarceration for a parole violation he was placed in general population at Pleasant Valley State Prison despite having previously been housed in a special-needs yard and informing prison personnel that he was in danger. He alleged that he was then stabbed fifteen times in the dining hall and barely survived. He also alleged that guards pepper-sprayed him, used a false name when booking him at the hospital, and interfered with his access to the courts.

PROCEDURAL HISTORY

On May 2, 2025, plaintiff filed a complaint alleging that prison officials violated his Eighth Amendment rights by placing him in general population at Pleasant Valley State Prison despite his prior special-needs-yard

designation and warnings that he was in danger. The court determined that venue was proper in the Eastern District because CDCR was headquartered in Sacramento, but concluded that transfer to Fresno appeared appropriate because the alleged conduct occurred in Fresno County. The court gave plaintiff twenty-one days to show cause why the case should not be transferred; no final transfer was ordered in this opinion.

DISPOSITION

other

CASES CITED

- Costlow v. Weeks, 790 F.2d 1486, 1488 (9th Cir. 1986)
- Howlett v. Rose, 496 U.S. 356, 365 (1990)
- Will v. Michigan Department of State Police, 491 U.S. 58 (1989)

OPINION

(PC) Kleinschmidt v. CDCR

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 CHARLES TRENT KLEINSCHMIDT, No. 2:25-cv-1272 AC P

12 Plaintiff, 13 v. ORDER

14 CALIFORNIA DEPARTMENT OF

CORRECTIONS AND

15 REHABILITATION,

16 Defendant. 17

18 Plaintiff is a state prisoner proceeding without counsel in a civil rights action pursuant to 19 42 U.S.C. § 1983. 20 On May 2, 2025, plaintiff filed a civil rights complaint against defendant California 21 Department of Corrections and Rehabilitation (“CDCR”). ECF No. 1. The complaint is twenty- 22 one pages long, with an additional twelve pages of exhibits. Id. The complaint alleges that 23 plaintiff’s Eighth Amendment rights were violated at Pleasant Valley State Prison (“PVSP”) 24 when he was placed in general population after he was reincarcerated for a parole violation. Id. at 25 3, 7-11, 16-17, 19. He claims that in 2015 there was an incident in general population at PVSP, 26 that since 2015 he had been housed in an SNY, and that despite the prior incident and SNY 27 designation he was again placed into general at PVSP. Id. at 3, 7-11, 16-17, 19. When plaintiff 28 was placed in PVSP general population, he told the R&R officer that he was SNY, the SNE and 1 every single guard on C-Yard that he is SNY and that he was in direct danger, and a sergeant G. 2 Clark, another sergeant, and lieutenant Childres the same thing. Id. at 9-11, 17.

They responded 3 that the policy had changed that there was nothing they could do about it. Id. While in general 4 population at PVSP, plaintiff was stabbed 15 times in the dining hall and barely survived. Id. at 5 11-13, 19. During the incident, the guards pepper sprayed him and booked him under a false 6 name at the hospital and afterwards intervened with his ability to access the courts until now. Id. 7 at 12,14, 19. 8 The federal venue statute states that 9 [a] civil action may be brought in 10 (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; 11

(2) a judicial district in which a substantial part of the events or 12 omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or 13

(3) if there is no district in which an action may otherwise be brought

14 as provided in this action, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such 15 action. 16 17 28 U.S.C. § 1391(b). Venue is proper in this court because defendant CDCR is headquartered in 18 Sacramento, which is located in the Sacramento Division of the United States District Court for 19 the Eastern District of California, see E.D. Cal. L.R. 120(d). However, a district court may, on its 20 own motion, "transfer a case sua sponte under the doctrine of forum non conveniens, as codified 21 at 28 U.S.C. § 1404(a), so long as the parties are first given the opportunity to present their views 22 on the issue." *Costlow v. Weeks*, 790 F.2d 1486, 1488 (9th Cir. 1986) (citations omitted); 23 28 U.S.C. § 1404(a) ("For the convenience of the parties and witnesses, in the interest of justice, a 24 district court may transfer any civil action to any other district or division where it might have 25 been brought . . ."). In this case, such a transfer appears proper. 26 Although plaintiff only names CDCR as a defendant, CDCR is not a proper defendant in a 27 § 1983 suit. See *Howlett v. Rose*, 496 U.S. 356, 365 (1990) ("Will[v. Mich. Dep't of State 28 Police, 491 U.S. 58 (1989)] establishes that the State and arms of the State, which have 1 || traditionally enjoyed Eleventh Amendment immunity, are not subject to suit under § 1983 in 2 || either federal court or state court."). Review of the complaint indicates that, although plaintiff 3 || does not identify other defendants in the caption or the "Defendants" section of the complaint, his 4 || factual allegations suggest that he may also be attempting to state claims against individual 5 || defendants (e.g. officers, guards, sergeants, etc.) for their alleged unlawful conduct at PVSP. 6 || Because PVSP is located in Fresno County, and all of the alleged unlawful conduct occurred in 7 || Fresno County, it is appropriate to transfer this case to the Fresno Division of this court. See 8 || 28 U.S.C. § 1404(a); E.D. Cal. L.R. 120(f) (the court may, on its own motion, transfer an action to 9 || another venue within the district for good cause). Before the court does so, plaintiff will have an 10 || opportunity to show cause in writing why this case should not be transferred. 11 Accordingly, IT IS HEREBY ORDERED that within twenty-one days of the service of 12 | this order, plaintiff may show cause in writing why this case should not be transferred to the 13 || United States District Court for the Eastern District of California sitting in Fresno. If plaintiff 14 | fails to respond to this order or files a notice

consenting to the transfer, the case will be 15 || transferred to the Fresno Division of the United States District Court for the Eastern District of 16 | California. 17 | DATED: May 19, 2025 A/ 18 AILISONCLAIRE.

19 UNITED STATES MAGISTRATE JUDGE

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