

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

OPINION

(PC) Kleinschmidt v. CDCR

PER CURIAM.

1 2 3 4 5 6 7

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); 28 23 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 28 8 | 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

20 21 22 23 24 25 26 27 28

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-eastern-district-of-california-united-states-district-court-for/2025/kleinschmidt-v-california-department-of-corrections-and-1enkml4k>