

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Jeremy Conklin v. Oregon Medical Board, an Oregon State Agency;  
Nicole Krishnaswami, an individual; Michael Seidel, an individual;  
and Walter Frasier, an individual

Jeremy Conklin v. Oregon Medical Board, Nicole Krishnaswami, Michael Seidel, and Walter Frasier, No. 3:25-cv-01173-AR (D. Or. June 12, 2026) · No. 3:25-cv-01173-AR · Decided June 12, 2026

SUMMARY

The United States District Court for the District of Oregon considers defendants’ motion to dismiss Jeremy Conklin’s claims concerning an Oregon Medical Board disciplinary investigation, the inactivation of his locum tenens license, and related alleged constitutional and tort violations. The court addresses sovereign immunity and absolute immunity for state medical-board officials performing prosecutorial or quasi-judicial functions. The motion to dismiss is granted.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                   |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Oregon                                                                                                                                                                                                                                                           |
| WRITING FOR THE COURT | Jeff Armistead, United States Magistrate Judge                                                                                                                                                                                                                                                                    |
| JURISDICTION          | United States District Court for the District of Oregon                                                                                                                                                                                                                                                           |
| DECIDED               | June 12, 2026                                                                                                                                                                                                                                                                                                     |
| DOCKET                | 3:25-cv-01173-AR                                                                                                                                                                                                                                                                                                  |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Plaintiff brought constitutional claims under 42 U.S.C. § 1983 and Oregon claims for intentional and negligent infliction of emotional distress concerning an Oregon Medical Board investigation and license inactivation. Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss all claims. |
| STANDARD OF REVIEW    | On a Rule 12(b)(6) motion, the court accepts well-pleaded material facts as true, construes them in the plaintiff's favor, disregards legal conclusions couched as factual allegations, and asks whether the complaint states a facially plausible claim for relief.                                              |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                                                                                                                                                                       |
| PARTIES               | Jeremy Conklin v. Oregon Medical Board, Nicole Krishnaswami, Michael Seidel, Walter Frasier                                                                                                                                                                                                                       |

## TOPICS

motions to dismiss

eleventh amendment immunity

qualified immunity

civil procedure

health law

## PRACTICE AREAS

civil procedure

constitutional law

civil rights

administrative law

health law

sovereign immunity

torts

## QUESTIONS PRESENTED

1. Whether the Oregon Medical Board was immune from Conklin's federal and state claims under the Eleventh Amendment.
2. Whether the individual Oregon Medical Board defendants were entitled to absolute or qualified immunity for actions connected to the disciplinary investigation and license inactivation.
3. Whether Conklin plausibly alleged violations of due process, the Privileges and Immunities Clause, equal protection, or retaliation under 42 U.S.C. § 1983.
4. Whether Younger abstention barred Conklin's requests for injunctive relief concerning the ongoing state medical-disciplinary proceeding.
5. Whether Conklin plausibly alleged Oregon claims for intentional or negligent infliction of emotional distress.
6. Whether declaratory and injunctive relief were independent causes of action.
7. Whether Conklin should receive leave to amend despite proceeding pro se while licensed as an attorney.

## HOLDINGS

1. The Oregon Medical Board is an arm of the State of Oregon and is entitled to sovereign immunity; because Oregon had not waived immunity or consented to suit in federal court, all federal and state claims against the Board were dismissed.
2. Krishnaswami, Seidel, and Frasier were absolutely immune from damages claims based on conduct related to the Oregon Medical Board's disciplinary proceeding and investigation.
3. Krishnaswami was not entitled to absolute immunity for conduct concerning the inactivation of Conklin's locum tenens license or his alleged ineligibility for an Oregon medical license because that conduct was separate from and unrelated to the disciplinary proceeding.
4. Krishnaswami was entitled to qualified immunity because Conklin did not plausibly allege a constitutional violation and, in any event, did not identify clearly established law showing that the challenged license-inactivation conduct violated the Privileges and Immunities Clause.
5. The individual defendants were entitled to qualified immunity on Claims 1, 3, and 4 because Conklin failed to plausibly allege a constitutional violation and failed to identify clearly established law prohibiting the challenged conduct.

6. Younger abstention required dismissal of Conklin's constitutional claims seeking injunctive relief concerning the ongoing Oregon Medical Board disciplinary proceeding.
7. Conklin failed to state claims for intentional or negligent infliction of emotional distress based on Krishnaswami's license-inactivation conduct.
8. Declaratory and injunctive relief are remedies rather than independent causes of action, and because Conklin failed to plead an underlying viable claim, those requests were dismissed.
9. Dismissal with prejudice and without leave to amend was appropriate because Conklin was a licensed attorney and the complaint's deficiencies, including immunity barriers and failure to state claims, could not be cured by amendment.

#### KEY QUOTATIONS

*“That “jurisdictional bar applies regardless of the nature of the relief sought.”” (10)*

*“A right is clearly established when it is “sufficiently clear that every reasonable official would have understood that what he is doing violates that right.”” (18)*

*“Declaratory and injunctive relief are remedies, not causes of action.” (27)*

#### FACTUAL BACKGROUND

Jeremy Conklin, an osteopathic physician residing in Washington, held an Oregon locum tenens medical license. The Oregon Medical Board changed the license to inactive status after Conklin failed to report Oregon assignments and separately investigated complaints concerning his treatment of patients during a Salem Hospital shift. The Board ordered competency examinations, requested an in-person interview, and later issued a notice of proposed disciplinary action while the administrative proceeding remained pending. Conklin alleged that these actions violated due process, the Privileges and Immunities Clause, equal protection, and federal civil-rights protections, and caused emotional distress.

#### PROCEDURAL HISTORY

Conklin filed suit on July 7, 2025, while the Oregon Medical Board's disciplinary investigation and administrative proceedings were ongoing. The court denied his motion for a preliminary injunction and later denied a temporary restraining order seeking to stay an administrative hearing. After oral argument, the court granted defendants' motion to dismiss and dismissed the complaint with prejudice and without leave to amend.

#### DISPOSITION

dismissed

#### CASES CITED

- Shroyer v. New Cingular Wireless Services, Inc., 622 F.3d 1035, 1041 (9th Cir. 2010)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 556 (2007)

- Va. Office for Prot. & Advocacy v. Stewart, 563 U.S. 247, 253-54 (2011)
- Pennhurst State Sch. & Hosp. v. Halderman, 465 U.S. 89, 100 (1984)
- Will v. Michigan Dep't of State Police, 491 U.S. 58, 64 (1989)
- P.R. Aqueduct & Sewer Auth. v. Metcalf, 506 U.S. 139, 144 (1993)
- Olsen v. Idaho State Bd. of Med., 363 F.3d 916, 922-24, 928 (9th Cir. 2004)
- Buckwalter v. Nev. Bd. of Med. Exam'rs, 678 F.3d 737, 740-47 (9th Cir. 2012)
- Mishler v. Clift, 191 F.3d 998, 1007 (9th Cir. 1999)
- Burton v. Infinity Capital Management, 862 F.3d 740, 747 (9th Cir. 2017)
- Burns v. Reed, 500 U.S. 478, 485 (1991)
- Buckley v. Fitzsimmons, 509 U.S. 259, 273-74 (1993)
- LaTulippe v. Or. Med. Bd., 2025 WL 1692418, at \*2, \*5 (D. Or. June 16, 2025)
- Supreme Court of New Hampshire v. Piper, 470 U.S. 274 (1985)
- Mullenix v. Luna, 577 U.S. 7, 11-12 (2015) (per curiam)
- Irland v. Iowa Bd. of Med., 939 N.W.2d 85, 87, 91-92 (Iowa 2020)
- Nguyen v. State, Dep't of Health Med. Quality Assurance Comm'n, 144 Wash. 2d 516 (2001)
- Village of Willowbrook v. Olech, 528 U.S. 562, 564 (2000)
- Spencer v. Peters, 857 F.3d 789, 798 (9th Cir. 2017)
- Younger v. Harris, 401 U.S. 37 (1970)
- Huffman v. Pursue, Ltd., 420 U.S. 592, 604 (1975)
- Juidice v. Vail, 430 U.S. 327, 335 (1977)
- Rynearson v. Ferguson, 903 F.3d 920, 924 (9th Cir. 2018)
- Babick v. Or. Arena Corp., 333 Or. 401, 411 (2002)
- Norwest v. Presbyterian Intercommunity Hosp., 293 Or. 543, 558-61 (1982)
- I.K. v. Banana Republic, LLC, 317 Or. App. 249, 254 (2022)
- Ajetunmobi v. Clarion Mortg. Cap., Inc., 595 F. App'x 680, 684 (9th Cir. 2014)
- Stock W., Inc. v. Confederated Tribes of the Colville Rsrv., 873 F.2d 1221, 1225 (9th Cir. 1989)
- Huffman v. Lindgren, 81 F.4th 1016, 1021-22 (9th Cir. 2023)