

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jason D. Keplinger v. Kern County, et al.

Keplinger v. Kern County · No. 2:25-cv-1180 AC P · Decided May 12, 2025

SUMMARY

The court orders plaintiff to show cause why his § 1983 action should not be transferred from the Sacramento Division to the Fresno Division of the Eastern District of California. The court explains that the defendants and alleged events are primarily connected to Kern County and that transfer may be appropriate under 28 U.S.C. § 1404(a) and the court’s local rules.

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 12, 2025
DOCKET	2:25-cv-1180 AC P
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause, on its own motion, why the prisoner's § 1983 action should not be transferred from the Sacramento Division to the Fresno Division of the Eastern District of California under 28 U.S.C. § 1404(a).
STANDARD OF REVIEW	A district court may consider transfer sua sponte under 28 U.S.C. § 1404(a), provided the parties are first given an opportunity to present their views.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order

TOPICS

- venue
- forum non conveniens
- section 1983
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner civil rights
- venue and transfer

QUESTIONS PRESENTED

1. Whether venue was proper in the Eastern District of California under 28 U.S.C. § 1391(b).
2. Whether the court could sua sponte transfer the action to the Fresno Division under 28 U.S.C. § 1404(a) and Eastern District of California Local Rule 120(f).
3. Whether the State of California was a proper defendant in a 42 U.S.C. § 1983 action.

HOLDINGS

1. Venue was proper in the Eastern District of California because the State of California could be sued in any federal judicial district in California.
2. A district court may transfer an action sua sponte under 28 U.S.C. § 1404(a), but must first give the parties an opportunity to present their views.
3. The State of California is not a proper defendant for a claim under 42 U.S.C. § 1983 because states and state arms are not subject to suit under that statute in federal or state court.

KEY QUOTATIONS

“However, 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.”” (at 1)

“Accordingly, IT IS HEREBY ORDERED that within twenty-one days of the service of this order, plaintiff may show cause in writing why this case should not be transferred to the United States District Court for the Eastern District of California sitting in Fresno.” (at 2)

FACTUAL BACKGROUND

Jason D. Keplinger, a state prisoner incarcerated at Kern County Jail in Bakersfield, alleged that he had been in custody from 1996 through 2025 and had repeatedly been refused medical treatment. He also alleged that doctors at Kern County, Laredo Jail, state prisons, and state mental hospitals lied about test results and documented information falsely. Three of the four named defendants were located in Kern County.

PROCEDURAL HISTORY

Plaintiff filed a pro se prisoner civil-rights complaint on April 23, 2025, alleging repeated denial of medical treatment and misrepresentations concerning medical test results. The court concluded that venue was proper in the Eastern District of California but that transfer to the Fresno Division appeared appropriate because the plaintiff was incarcerated in Kern County and three of the four defendants were located there. The court gave plaintiff twenty-one days to show cause why the action should not be transferred and stated that the case would be transferred if plaintiff failed to respond or consented.

DISPOSITION

other

CASES CITED

- California v. Azar, 911 F.3d 558, 569-70 (9th Cir. 2018)
- 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)

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