

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PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order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)

OPINION

(PC) Keplinger v. Kern County

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 JASON D. KEPLINGER, No. 2:25-cv-1180 AC P

12 Plaintiff, 13 v. ORDER 14 KERN COUNTY, et al., 15 Defendants. 16 17 Plaintiff is a state
prisoner proceeding without counsel in a civil rights action pursuant to 18 42 U.S.C. § 1983. On
April 23, 2025, plaintiff filed a civil rights complaint against defendants 19 Kern County, Laredo
Jail, the State of California, and Kern Medical Center. ECF No. 1 at 1. The 20 complaint alleges
that from 1996 to 2025 plaintiff has been in custody and has been refused 21 medical treatment
several times. Id. at 3. Plaintiff also alleges that doctors “in Kern County, 22 Laredo Jail and
several state prison [sic] including every mental hospital State of California” has 23 lied to him
about test results and has lied on paper. Id. 24 The federal venue statute states that 25 [a] civil
action may be brought in 26 (1) a judicial district in which any defendant resides, if all defendants
are residents of the State in which the district is located; 27

(2) a judicial district in which a substantial part of the events or

28 omissions giving rise to the claim occurred, or a substantial part of 1 property that is the subject
of the action is situated; or 2 (3) if there is no district in which an action may otherwise be brought
as provided in this action, any judicial district in which any defendant 3 is subject to the court’s
personal jurisdiction with respect to such action. 4 5 28 U.S.C. § 1391(b). Venue is proper in this
court because any federal judicial district in 6 California is proper against the State of California.
California v. Azar, 911 F.3d 558, 569-70 (9th

7 Cir. 2018). However, a district court may, on its own motion, “transfer a case sua sponte under
8 the doctrine of forum non conveniens, as codified at 28 U.S.C. § 1404(a), so long as the parties 9
are first given the opportunity to present their views on the issue.” Costlow v. Weeks, 790 F.2d 10
1486, 1488 (9th Cir. 1986) (citations omitted); 28 U.S.C. § 1404(a) (“For the convenience of the
11 parties and witnesses, in the interest of justice, a district court may transfer any civil action to
any 12 other district or division where it might have been brought . . .”). In this case, such a
transfer 13 appears proper. 14 Plaintiff is currently incarcerated at Kern County Jail located in

Bakersfield, California. 15 ECF No. 1 at 1. Three of the four named defendants are located in Kern County, which is part of 16 the Fresno Division of the United States District Court for the Eastern District of California. Id.; 17 see also E.D. Cal. L.R. 120(d). And although one defendant, State of California, can be sued in 18 any federal judicial district in California, the State of California is not a proper defendant for a 19 § 1983 claim. See *Howlett v. Rose*, 496 U.S. 356, 365 (1990) (“Will[v. Mich. Dep’t of State 20 Police, 491 U.S. 58 (1989)] establishes that the State and arms of the State, which have 21 traditionally enjoyed Eleventh Amendment immunity, are not subject to suit under § 1983 in 22 either federal court or state court.”). 23 It therefore appears likely that any potentially cognizable claims will be against 24 defendants located within Kern County and that this action should be transferred to the Fresno 25 Division of this court. See 28 U.S.C. § 1404(a); E.D. Cal. L.R. 120(f) (the court may, on its own 26 motion, transfer an action to another venue within the District for good cause). Plaintiff will have 27 an opportunity to show cause in writing why this case should not be transferred. 28 ////] Accordingly, IT IS HEREBY ORDERED that within twenty-one days of the service of 2 || this order, plaintiff may show cause in writing why this case should not be transferred to the 3 || United States District Court for the Eastern District of California sitting in Fresno. If plaintiff 4 || fails to respond to this order or files a notice consenting to the transfer, the case will be 5 || transferred to the Fresno Division of the United States District Court for the Eastern District of 6 || California. 7 || DATED: May 12, 2025 ~ 8 AMhun—Clorne

ALLISON CLAIRE

9 UNITED STATES MAGISTRATE JUDGE

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