

**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

OPINION

(PC) Keplinger v. Kern County

PER CURIAM.

1 2 3 4 5 6 7

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
10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28