

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Zackery J. Askins v. Research Medical Center

Askins · No. 25-3238-JWL · Decided February 5, 2026

SUMMARY

The United States District Court for the District of Kansas transfers Zackery J. Askins’s medical-malpractice action against Research Medical Center to the Western District of Missouri for improper venue. The court concludes that Research is located in Missouri, the underlying events occurred there, and transfer is in the interest of justice because dismissal could render the claims time-barred.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	February 5, 2026
DOCKET	25-3238-JWL
DISPOSITION	transferred
PROCEDURAL POSTURE	Plaintiff filed an action originally invoking the Federal Tort Claims Act and then submitted an amended complaint asserting medical malpractice or medical negligence. The court determined that the District of Kansas was an improper venue and transferred the action to the United States District Court for the Western District of Missouri.
STANDARD OF REVIEW	The court reviewed the amended complaint on its face to determine whether venue was proper and whether transfer rather than dismissal was warranted under 28 U.S.C. § 1406(a).
PRECEDENTIAL VALUE	unpublished district court memorandum and order
PARTIES	Zackery J. Askins v. Research Medical Center

TOPICS

- venue
- medical malpractice
- negligence
- civil procedure

PRACTICE AREAS

- civil procedure
- medical malpractice
- Federal Tort Claims Act
- venue

QUESTIONS PRESENTED

1. Whether the District of Kansas was a proper venue under 28 U.S.C. § 1391(b) when the defendant was located in Missouri and the events underlying the claims occurred in Missouri.
2. Whether the action should be transferred rather than dismissed under 28 U.S.C. § 1406(a) because transfer was in the interest of justice.
3. Whether Plaintiff's original complaint stated a claim under the Federal Tort Claims Act when it named Research Medical Center rather than the United States and did not allege that Research was a federal institution or employed federal actors.

HOLDINGS

1. The original complaint did not state a claim under the Federal Tort Claims Act because the United States is the only proper defendant in an FTCA action, Plaintiff did not name the United States, and Research Medical Center was not alleged or shown to be a federal institution with federal employees.
2. The District of Kansas was not a proper venue because Research Medical Center was located in Kansas City, Missouri, no defendant resided in Kansas, and none of the events giving rise to Plaintiff's claims occurred in Kansas.
3. The action should be transferred to the United States District Court for the Western District of Missouri rather than dismissed.

KEY QUOTATIONS

“The United States is the only proper defendant in an FTCA action.”

FACTUAL BACKGROUND

Plaintiff was transported to Research Medical Center in Kansas City, Missouri, in January 2024 while serving as a military prisoner and was diagnosed with acute pancreatitis and pancreatic stones. He alleges that Research repeatedly discharged and readmitted him through May 2024 while he suffered life-threatening conditions, including a splenic artery rupture, infections, and complications from surgery and inadequate care. Research Medical Center is located in Missouri and is owned by HCA Midwest Health rather than the federal government.

PROCEDURAL HISTORY

Plaintiff, a military prisoner, initially filed an FTCA action against Research Medical Center. The court issued an order to show cause because the complaint failed to state an FTCA claim, including because the United States was not named as a defendant and Research was not a federal facility. In response, Plaintiff filed an amended complaint alleging medical malpractice and medical negligence. The court transferred the action under 28 U.S.C. § 1406(a) because the relevant events occurred in Missouri and transfer was in the interest of justice.

DISPOSITION

transferred

REMAND INSTRUCTIONS

The action shall be transferred to the United States District Court for the Western District of Missouri.

CASES CITED

- Ingram v. Faruque, 728 F.3d 1239, 1245 (10th Cir. 2013)
- Smith v. United States, 561 F.3d 1090, 1099 (10th Cir. 2009)
- Oxendine v. Kaplan, 241 F.3d 1272, 1275 n.4 (10th Cir. 2001)
- Trujillo v. Williams, 465 F.3d 1210, 1223 n.16 (10th Cir. 2006)

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