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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAMELA DENISE PRINGLE,
Plaintiff,
v.
AMANDA GENTRY, et al.,
Defendants.

No. 2:17-cv-2206 TLN AC (PS)

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is proceeding in this action pro se, and the case was accordingly referred to the Magistrate Judge by Local Rule 302(c)(21). There are seven defendants in this case (Amanda Gentry, Cindy McDonald, Shannon Cluney, Noel Barlow-Hust, Sandy Jones, Judy Mesick, and Mark Alan Kubinski) all of whom work in an official capacity for the Idaho Department of Correction (“IDOC”) or the Idaho Attorney General’s Office. ECF No. 1. Plaintiff sues defendants in both their official capacities and their individual capacities. Before the court is a motion to dismiss from all defendants. ECF No. 12. Plaintiff has opposed defendants’ motion. ECF No. 17. Defendants filed an untimely reply brief on March 26, 2018, which was not considered due to its untimely filing. Local Civil Rule 422(e), ECF No. 24. Plaintiff filed a motion to strike defendants’ untimely reply brief. ECF No. 25. As the court did not consider defendants’ reply brief, plaintiff’s motion is denied as moot. The court held a hearing on this

1 matter in open court on March 28, 2018. Plaintiff appeared telephonically and defendants were
2 present via their counsel. ECF No. 26.

3 Based on a review of the briefing and the relevant law, the court recommends that
4 defendants' motion to dismiss for lack of personal jurisdiction, ECF No. 12, be GRANTED and
5 that this case be dismissed in its entirety for lack of personal jurisdiction and pursuant to the
6 doctrine of forum non conveniens.

7 **I. Background**

8 Plaintiff filed her complaint on October 23, 2017. ECF No. 1. The complaint states that
9 she is bringing this case under 42 U.S.C. § 1983. Id. at 1. Plaintiff was incarcerated at various
10 IDOC facilities between August 12, 2012 and December 14, 2012. Id. at 4. She was again
11 incarcerated between May 25, 2016 and November 1, 2016. Id. Upon her arrival to an IDOC
12 facility she noted "numerous civil rights violations, as well as instances of financial fraud,
13 falsification of records, staff misconduct with inmates, and negligence." Id. She claims that
14 when she sought to file grievances regarding these violations, prison staff harassed her and
15 retaliated against her. This harassment and retaliation included transfer to administrative
16 segregation, loss of personal property, transfer to other facilities, verbal and psychological abuse,
17 intimidation and threats, loss of prison employment, and denial of access to courts. Id. at 5.
18 Plaintiff claims that defendants also denied her the opportunity to go to a minimum security
19 facility. Id. at 6.

20 On November 3, 2016, after she served her term of imprisonment in IDOC, "two private
21 security officers hired by Yolo County arrived and transported Plaintiff back to California on the
22 Yolo County detainer." Id. at 13. Plaintiff alleges she was not provided food or water for the 13-
23 hour trip, and that the transporting officers told her that IDOC was the entity responsible for
24 supplying food and water so they had not made provisions. Id.

25 Plaintiff claims that on or about January 26, 2017, an IDOC employee contacted plaintiff
26 in California and directed her to apply for an interstate compact (a mechanism that allows for
27 transferring adult offenders on supervision from one state to another) to transfer her supervision
28 to California because plaintiff had been released from Yolo County Jail. Id. Plaintiff responded

1 in writing that she declined to apply for Interstate transfer, asserting she was still under the
2 jurisdiction of the Yolo County detainer and under Interstate Compact rules she was not eligible
3 to apply for Interstate Compact. Id.

4 On February 6, 2017, plaintiff was ordered to report to Sylvia Diaz of the Yolo County
5 Probation Department for her Idaho parole check-in by an IDOC employee. Id. at 14. Plaintiff
6 claims this decision came from defendants Mesick, Jones, and Kubinski. Id. Plaintiff took issue
7 with defendants' demand that she apply for an interstate compact. Id. Despite an interstate
8 compact being forwarded to Yolo County Probation, plaintiff claims she never initiated nor
9 signed an application. Id.

10 According to plaintiff, defendant Judy Mesick forwarded plaintiff an email on February
11 14, 2017 which stated that if plaintiff did not consent from the transfer of her parole from Idaho to
12 California plaintiff would receive a parole violation and be re-incarcerated. Id. at 15. On March
13 8, 2017, plaintiff "reluctantly and belatedly" signed the "fraudulent Interstate Compact
14 Application."

15 Plaintiff alleges that on March 2, 2017 defendant Cindy McDonald had a telephone
16 conversation with Yolo County District Attorney Larry Eichele, who had contacted Ms.
17 McDonald in preparation for his "Opposition to Plaintiff's Motion to Dismiss." Id. at 16.
18 Plaintiff alleges that defendant McDonald "was advised to make the aforementioned
19 misrepresentation of material fact" to Eichele by Defendant Mark Alan Kubinski. Id. at 16.

20 **II. The Claims**

21 Plaintiff's complaint sets forth four claims: (1) "Failure to Follow the Established Law of
22 the [Interstate Agreement on Detainers ("IAD")];"¹ (2) "Unconstitutional and Unlawful Transport
23 Order, Interstate Compact Acts and Parole Conditions;"² (3) "Violations of Rules of Professional
24 Responsibility;"³ (4) "First Amendment Retaliation and Eighth Amendment Calculated
25 Harassment."⁴ ECF No. 1 at 17-26.

26 _____
27 ¹ Against all defendants except defendants Sandy Jones and Judy Mesick.

28 ² Against defendants Sandy Jones, Cindy McDonald, Judy Mesick, and Mark Alan Kubinski.

³ Against defendant Mark Alan Kubinski.

⁴ Against all defendants.

1 **III. Motion**

2 All defendants move to dismiss plaintiff's four causes of action. ECF No. 12. Defendants
3 seek to dismiss all of plaintiff's claims pursuant to Fed. R. Civ. P. 12(b)(2) on the grounds that
4 this court does not have personal jurisdiction over them. Id. Alternatively, defendants allege
5 plaintiff's claims should be dismissed pursuant to Fed. R. Civ. P. 12(b)(3), arguing that the
6 Eastern District of California is not a proper venue as "defendants are Idaho residents and the
7 substantial events alleged in the complaint occurred in Idaho." Id. at 13.

8 **IV. Analysis**

9 A. Personal Jurisdiction

10 1. Dismissal Standard Under Fed. R. Civ. P. 12(b)(2)

11 Federal Rule of Civil Procedure 12(b)(2) prevents a district court with a "lack of
12 jurisdiction" over defendants from exercising its power over them. "Where a defendant moves to
13 dismiss a complaint for lack of personal jurisdiction, the plaintiff bears the burden of
14 demonstrating that jurisdiction is appropriate." Schwarzenegger v. Fred Martin Motor Co., 374
15 F.3d 797, 800 (9th Cir. 2004). Uncontroverted facts in the complaint are accepted as true for
16 purposes of assessing personal jurisdiction. Mavrix Photo, Inc. v. Brand Techs., Inc., 647 F.3d
17 1218, 1223 (9th Cir. 2011). Jurisdictional facts cannot, however, be established by nonspecific,
18 conclusory statements. Butcher's Union Local No. 498, United Food & Commercial Workers v.
19 SDC Inv., Inc., 788 F.2d 535, 540 (9th Cir. 1986) (citing Kaylor v. Fields, 661 F.2d 1177, 1182-
20 83 (8th Cir. 1981) (although liberally construed, the complaint "must contain something more
21 than mere conclusory statements that are unsupported by specific facts")). Additionally, plaintiff
22 cannot solely rely on allegations in the complaint when they have been challenged by affidavit,
23 Taylor v. Portland Paramount Corp., 383 F.2d 634, 639 (9th Cir. 1967), although conflicts
24 between affidavits are resolved in plaintiff's favor, Mavrix, 647 F.3d at 1223.

25 Federal Rule of Civil Procedure 4(k), which sets the territorial limits of effective service,
26 states service can establish personal jurisdiction over defendants who would be "subject to the
27 jurisdiction of a court of general jurisdiction in the state where the district court is located." Fed.
28 R. Civ. P. 4(k)(2). In California, "[a] court ... may exercise jurisdiction on any basis not

1 inconsistent with the Constitution of this state or of the United States.” Cal. Civ. P. Code §
2 410.10. Thus, California’s long-arm statute extends as far as the requirements of due process
3 allow. Schwarzenegger, 374 F.3d at 801. Due process allows the exercise of personal
4 jurisdiction over an out-of-state-defendant if the defendant has “certain minimum contacts with
5 [the state] such that the maintenance of the suit does not offend traditional notions of fair play and
6 substantial justice.” Int’l Shoe Co. v. Washington, 326 U.S. 310, 316 95 (1945). Depending on
7 the type and breadth of a defendant’s contacts with the forum, jurisdiction may be either general
8 or specific to the claim. Roth v. Garcia Marquez, 942 F.2d 617, 620 (9th Cir. 1991).

9 2. General Jurisdiction

10 “For an individual, the paradigm forum for the exercise of general jurisdiction is the
11 individual’s domicile.” Goodyear Dunlop Tires Operations, S.A. v. Brown, 564 U.S. 915, 924
12 (2011). “[A] court may assert jurisdiction ... to hear any and all claims against [a defendant] only
13 when the [defendant’s] affiliations with the State in which suit is brought are so constant and
14 pervasive as to render it essentially at home in the forum State.” Daimler AG v. Bauman, 565
15 U.S. 915, 924 (2014).

16 In this case, defendants are all residents of Idaho. ECF No. 12 at 2. This does not appear
17 to be disputed by plaintiff. ECF No. 17. Plaintiff has not provided any details that would refute
18 defendants’ claim that they are domiciled in Idaho. All are sued in their capacities as Idaho state
19 officials. As the defendants are not domiciled in California, and there is no evidence that their
20 contacts with California have been so constant and pervasive as to establish a constructive
21 domicile, the undersigned finds that federal court in California cannot exercise general personal
22 jurisdiction over them.

23 3. Specific Jurisdiction

24 a. Governing Legal Principles

25 “As has long been settled ... a state court may exercise personal jurisdiction over a
26 nonresident defendant only so long as there exist minimum contacts between the defendant and
27 the forum State.” World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286, 291 (1980)
28 (internal quotation marks omitted). The minimum contacts test serves two key functions: first, it

1 “protects the defendant against the burdens of litigating in a distant or inconvenient forum,” and
2 second “it acts to ensure that the States through their courts, do not reach out beyond the limits
3 imposed on them by their status as coequal sovereigns in a federal system.” Id. at 291-92.

4 “[D]ue process requires only that in order to subject a defendant to [personal jurisdiction] ... he
5 have certain minimum contacts with [the forum] such that the maintenance of the suit does not
6 offend traditional notions of fair play and substantial justice.” Int’l Shoe, 326 U.S. at 316.

7 The demands of personal jurisdiction “may be met by such contacts of the [defendant]
8 with the state of the forum as make it reasonable, in the context of our federal system of
9 government, to require the [defendant] to defend the particular suit which is brought there. An
10 estimate of the inconveniences which would result to the [defendant] from a trial away from its
11 home ... is relevant in this connection.” Id. at 317 (internal quotations omitted). However, “to
12 the extent that a [defendant] exercises the privilege of conducting activities within a state, it
13 enjoys the benefits and protection of the laws of that state. The exercise of that privilege may
14 give rise to obligations; and, so far as those obligations arise out of or are connected with the
15 activities within the state, a procedure which requires the [defendant] to respond to a suit brought
16 to enforce them can, in most instances, hardly be said to be undue.” Id. at 319. The Ninth Circuit
17 utilizes a three prong test to determine whether minimum contacts exist:

18 (1) The non-resident defendant must purposefully direct his
19 activities or consummate some transaction with the forum or
20 resident thereof; or perform some act by which he purposefully
21 avails himself of the privilege of conducting activities in the forum,
22 thereby invoking the benefits and protections of its laws;

23 (2) the claim must be one which arises out of or relates to the
24 defendant’s forum-related activities; and

25 (3) the exercise of jurisdiction must comport with fair play and
26 substantial justice, i.e. it must be reasonable.

27 Schwarzenegger, 374 F.3d at 802 (internal citations omitted).

28 “The plaintiff bears the burden of satisfying the first two prongs of the test.” Id.
Plaintiff’s failure to satisfy either of these prongs means personal jurisdiction is not established in
the forum state. Id. “If the plaintiff succeeds in satisfying both of the first two prongs, the burden
then shifts to the defendant to present a compelling case that the exercise of jurisdiction would

1 not be reasonable.” Id. (internal quotations omitted).

2 Purposeful direction is the standard applicable to the first prong inquiry in § 1983 cases.⁵
3 Accordingly, the court must “evaluate purposeful direction under the three-part ‘effects’ test
4 traceable to the Supreme Court’s decision in Calder v. Jones, 465 U.S. 783 [...] (1984).”
5 Schwarzenegger, 374 F.3d at 802. Defendant must have: “(1) committed an intentional act, (2)
6 expressly aimed at the forum state, (3) causing harm that the defendant knows is likely to be
7 suffered in the forum state.” Id. at 803.

8 As to the third prong, reasonableness, the Supreme Court has made clear that while the
9 burden on defendant is always a primary concern, it will be considered in light of other relevant
10 considerations “including the forum State’s interest in adjudicating the dispute; the plaintiff’s
11 interest in obtaining convenient and effective relief, at least when that interest is not adequately
12 protected by the plaintiff’s power to choose the forum; the interstate judicial system’s interest in
13 obtaining the most efficient resolution of controversies; and the shared interest of the several
14 States in furthering fundamental substantive social policies.” World-Wide Volkswagen Corp.,
15 444 U.S. at 292.

16 b. Plaintiff’s First Cause of Action

17 Plaintiff has not established personal jurisdiction over defendants as to her first cause of
18 action, because the allegations of the complaint cannot fairly be construed as involving any
19 actions by defendants that were intentionally aimed at California.

20 This claim asserts a failure to follow established law regarding the Interstate Agreement
21 on Detainers Act. ECF No. 1, at 17. Plaintiff alleges that while she served time in the Idaho
22 Department of Correction Pocatello Women’s Correctional Center, she made multiple requests to
23 process her detainer pursuant to the IAD. Id. She alleges that defendant Warden Amanda Gentry
24 ignored these requests. Id. at 17-18. Plaintiff also claims that defendant Gentry made
25 misrepresentations to Yolo County Assistant District Attorney Larry Eichele regarding the

26 ⁵ The Ninth Circuit holds that “availment and direction are, in fact, two distinct concepts” and that “direction”
27 applies in tort cases, whereas “availment” applies in contract cases. Schwarzenegger, 374 F.3d at 802. The Ninth
28 Circuit has held that “[a] section 1983 claim for deprivation of a constitutional right is more akin to a tort claim than
a contract claim.” Ziegler v. Indian River County, 64 F.3d 470, 473 (9th Cir. 1995). This court therefore uses the
purposeful direction structure for its analysis.

1 reasons for not processing plaintiff's request, and that defendants did not follow the IAD pursuant
2 to her detainer. ECF No. 1, at 18-19. Plaintiff alleges that because she had a detainer in
3 California, it was the obligation of defendants to follow the IAD. Id.

4 In order to establish personal jurisdiction over defendants in California, this court would
5 have to construe plaintiff's detainer and defendants' lack of action as acts that defendants
6 purposefully directed towards California. Such a conclusion is not plausible. All of defendant's
7 actions were taken in Idaho, pursuant to defendants' responsibilities as Idaho officials, and related
8 to plaintiff's status as an Idaho inmate. Therefore, plaintiff has not established sufficient
9 minimum contacts to survive a 12(b)(2) motion to dismiss for lack of personal jurisdiction.

10 c. Plaintiff's Third Cause of Action

11 Plaintiff does not establish personal jurisdiction over defendants for her third cause of
12 action because, again, plaintiff does not allege defendants took actions directed at California.
13 This claim is asserted against defendant Mark Alan Kubinski for violating the rules of
14 professional responsibility, thereby depriving plaintiff of her constitutional rights and privileges
15 under the Fourteenth Amendment. ECF No. 1, at 23-24. Plaintiff claims that this violation of the
16 rules of professional responsibility arises from Kubinski advising IDOC officials to "alter, falsify
17 and/or destroy inmate records," his advising IDOC employees to "interpret common and statutory
18 law with respect to penological operations in a manner that benefited IDOC but was wholly
19 unsupported by any reasonable interpretation of the law; and that [he] ... intentionally
20 misrepresented facts to or withheld facts from opposing counsel or the tribunal or otherwise
21 engaged in conduct that was prejudicial to the administration of justice." ECF No. 1, at 24.

22 The complaint does not state any actions that defendant Kubinski directed at the state of
23 California. Plaintiff's third cause of action appears to have even fewer claim-related contacts
24 than the first cause of action. Because this claim does not involve any conduct directed towards
25 California, this court cannot exercise personal jurisdiction.

26 d. Plaintiff's Fourth Cause of Action

27 Plaintiff's fourth cause of action fails to establish personal jurisdiction because it does not
28 allege that defendants directed any actions at California. This cause of action asserts First

1 Amendment retaliation and Eighth Amendment calculated harassment. ECF No. 1, at 24. The
2 claim is stated against all named defendants. Id. Plaintiff alleges that defendants retaliated
3 against her because of her numerous lawsuits. ECF No. 1, at 24-25. Plaintiff asserts that

4
5 Defendants' acts of retaliation and calculated harassment towards Plaintiff include
6 the following adverse actions: deliberate refusal to afford Plaintiff the protection
7 and rights of the Interstate Agreement on Detainers; interference with Access to
8 Courts; transferring Plaintiff to an unsecured facility while Plaintiff was under a
9 detainer, with full knowledge that the receiving facility [located in Idaho] would
10 confine Plaintiff in administrative segregation ("the hole"); threats of disciplinary
11 action for utilizing the grievance system and Access to Courts; and inflicting and
12 causing to be inflicted unnecessary and wanton emotional abuse upon Plaintiff
13 which has resulted in severe and continuing emotional trauma to Plaintiff....
14 Defendants are presenting retaliating against Plaintiff by making continuing
15 threats to violate Plaintiff's parole and have her returned to incarceration....
16 Defendants' acts of retaliation have had the effect chilling Plaintiff's exercise of
17 her First Amendment Rights.

18 ECF No. 1, at 25.

19 The actions described above all took place in Idaho. At most, some of the lingering
20 effects of these interactions may have followed plaintiff to California. Specifically, plaintiff
21 claims that defendants put her in administrative segregation and engaged in other retaliatory
22 actions in Idaho. Id. The fact that she may feel the chilling effects of these actions in California
23 is due to her moving from Idaho to California, not due to defendants' contacts with California.
24 Because defendants did not engage in any retaliatory conduct towards plaintiff in California,
25 defendants have not directed actions at the state of California such that personal jurisdiction can
26 be established.

27 The Supreme Court has emphasized that the unilateral activity of a plaintiff cannot be the
28 basis for personal jurisdiction over a defendant even if the consequences of the actions taken in
one state follow a plaintiff to another state. World-Wide Volkswagen Corp., 444 U.S. at 314. As
the Court explained in the Volkswagen case, "the basis for the assertion of jurisdiction is not the
happenstance that an individual over whom [a defendant] had no control made a unilateral
decision to take a chattel with him to a distant State. Rather, jurisdiction is premised on the
deliberate and purposeful actions of the defendants themselves....". This principle applies

1 whether plaintiff's action involves taking chattel to another state as in World-Wide Volkswagen,
2 or coming to California to serve a criminal sentence as in this case. Because plaintiff here has not
3 identified any actions taken by defendants to retaliate against her while she resided in California,
4 she cannot rely on the continued effects of her interactions with defendants in Idaho for this
5 court's exercise of personal jurisdiction over the defendants. Accordingly, this court lacks
6 personal jurisdiction in relation to plaintiff's fourth cause of action.

7 e. Plaintiff's Second Cause of Action

8 Plaintiff's second cause of action involves somewhat greater connections to California
9 than her other three claims. This cause of action alleges that defendants Sandy Jones, Cindy
10 McDonald, Judy Mesick, and Mark Alan Kubinski violated plaintiff's Fourteenth Amendment
11 Due Process and Equal Protection Rights by producing an "unconstitutional and unlawful
12 transport order, interstate compact acts, and parole conditions." ECF No. 1, at 20. Plaintiff
13 claims that defendants are also currently upholding an unlawful special condition of parole
14 against plaintiff. Id.

15 Plaintiff argues that "Defendant Judy Mesick, in conspiracy with Defendants Sandy Jones,
16 and Mark Kubinski and other non-Defendant IDOC employees, personally arranged for
17 fraudulent Interstate Compact Application to be drafted in Plaintiff's name to transfer her parole
18 from Idaho to California, without Plaintiff's consent or knowledge." Id. at 20-21. Defendants
19 allegedly mailed a fraudulent document to California so as to injure plaintiff in California. Id.
20 Unlike the other causes of action, this incident took place while plaintiff resided in California.

21 While there are more substantial contacts with California with respect to this cause of
22 action than plaintiff's other claims, the court need not determine whether those contacts are
23 sufficient to support personal jurisdiction. Even if this court could properly exercise jurisdiction
24 over the second cause of action, the complaint should be dismissed pursuant to the doctrine of
25 *forum non conveniens* for the reasons now addressed.

26 B. Venue and Forum Non Conveniens

27 "The principle of *forum non conveniens* is simply that a court may resist imposition upon
28 its jurisdiction even when jurisdiction is authorized by the letter of a general venue statute."

1 Carijano v. Occidental Petroleum Corp., 643 F.3d 1216, 1224 (9th Cir. 2011) (quoting Gulf Oil
2 Corp. v. Gilbert, 330 U.S. 501, 507 (1947)). “Given the wide discretion afforded district courts
3 under the doctrine of *forum non conveniens*,” the Ninth Circuit has previously upheld a court sua
4 sponte dismissing a claim on *forum non conveniens* grounds. Seagal v. Vorderwuhlbecke, 162 F.
5 App’x 746, 748 (9th Cir. 2006). “Whether to dismiss an action on *forum non conveniens* grounds
6 requires the district court to consider the availability of an adequate alternative forum, and then to
7 consider whether several ‘private’ and ‘public’ interest factors favor dismissal.” Leetsch v.
8 Freedman, 260 F.3d 1100, 1103 (9th Cir. 2001).

9 “The existence of an adequate alternative forum depends upon whether or not an
10 alternative forum is so clearly inadequate or unsatisfactory that it is no remedy at all. This
11 requirement is generally satisfied if the defendant is amenable to service of process in the
12 alternative forum.” Id. (internal quotation marks omitted). In this case, the District of Idaho is
13 not so clearly an inadequate or unsatisfactory forum that it amounts to no remedy at all. To the
14 contrary, nearly of all the actions giving rise to this lawsuit took place in Idaho. Several of the
15 defendants listed in the complaint must be dismissed for lack of personal jurisdiction in the
16 Eastern District of California; only one of plaintiff’s four causes of action involves any contacts
17 with California. In the District of Idaho, plaintiff can pursue all of her causes of action against all
18 defendants.

19 The second prong is a weighing of the private factors. “The private interest factors
20 include: the ease of access to sources of proof; compulsory process to obtain [the] attendance of
21 hostile witnesses, and the cost of transporting friendly witnesses; ... other problems that interfere
22 with an expeditious trial, and the ability to enforce the judgment.” Id. at 1104 (internal quotation
23 marks omitted) (internal citations omitted) (addition of [the] is found in the cited source).

24 In the present case, the ease of access to sources of proof weighs heavily in favor of
25 moving this cause of action to the District of Idaho. Because all claims involve the actions of
26 IDOC officials, most evidence is in Idaho. Trial in Idaho would maximize the efficacy of process
27 and minimize costs related to the appearance of witnesses. Therefore, the private factors weigh in
28

1 favor of the plaintiff adjudicating her case in the District of Idaho.⁶

2 This court must also consider the public interest factors, including: “(1) administrative
3 difficulties flowing from court congestion; (2) imposition of jury duty on the people of a
4 community that has no relation to the litigation; (3) local interest in having localized
5 controversies decided at home; (4) the interest in having a diversity case tried in a forum familiar
6 with the law that governs the action; [and] (5) the avoidance of unnecessary problems in conflicts
7 of law.” Id. at 1105.

8 Like the private factors, the public factors in this case also favor litigation in Idaho. The
9 Eastern District of California is one of the most congested districts in the country, and would be
10 negatively impacted by exercising jurisdiction when a more appropriate forum is available.
11 Considerations of jury duty weigh strongly in favor of an Idaho venue. Citizens in the Eastern
12 District of California have no interest in matters related to IDOC, while these issues do affect the
13 citizens of Idaho. Accordingly, there is a substantial local interest in resolving this dispute in the
14 District of Idaho. Because this is not a diversity case, there are no issues with respect to conflicts
15 of law or a forum’s knowledge of the governing law. However, the requirements of parole in
16 Idaho, pertinent IDOC regulations, and the applicable rules of professional responsibility⁷ may all
17 be more familiar to Idaho judges.

18 As there is an adequate alternative forum in the District of Idaho and the public and
19 private factors all weigh heavily in favor of adjudication in the District of Idaho, the undersigned
20 recommends sua sponte dismissal on grounds of *forum non conveniens*.

21 CONCLUSION

22 For all the reasons set forth above, IT IS HEREBY ORDERED that plaintiff’s motion to
23 strike (ECF No. 25) is DENIED as moot.

24 IT IS HEREBY RECOMMENDED that defendants’ motion to dismiss (ECF No. 12) be
25 GRANTED and that this action be dismissed for lack of personal jurisdiction and on the grounds


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27 ⁶ Plaintiff contends that she cannot litigate in Idaho because she is barred from the state as the
28 result of defendant’s illegal actions. The record before the court does not support this assertion.

⁷ See discussion above regarding plaintiff’s third cause of action.

1 of *forum non conveniens*.

2 These findings and recommendations are submitted to the United States District Judge
3 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one
4 (21) days after being served with these findings and recommendations, plaintiff may file written
5 objections with the court. Such document should be captioned “Objections to Magistrate Judge’s
6 Findings and Recommendations.” Local Rule 304(d). Plaintiff is advised that failure to file
7 objections within the specified time may waive the right to appeal the District Court’s order.
8 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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10 DATED: March 30, 2018

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13 _____
14 ALLISON CLAIRE
15 UNITED STATES MAGISTRATE JUDGE
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