

**FILED**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MAY 1 2025

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JERMEL ARCILICIA TAYLOR,

Plaintiff - Appellant,

v.

STATE OF ILLINOIS,

Defendant - Appellee.

No. 24-3873

D.C. No.  
2:24-cv-00478-IM  
District of Oregon,  
Pendleton

ORDER

Before: TASHIMA, OWENS, and DESAI, Circuit Judges.

After considering the response to the court's July 5, 2024 order, we deny the motion to proceed in forma pauperis (Docket Entry No. 5) and dismiss this appeal as frivolous. *See* 28 U.S.C. § 1915(a), (e)(2).

No further filings will be entertained in this closed case.

**DISMISSED.**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**JERMEL ARCILICIA TAYLOR, also  
known as New Muslim Party (N.I.U.A.),**

Plaintiff,

v.

**STATE OF ILLINOIS,**

Defendant.

Case No. 2:24-cv-00478-IM

**ORDER OF DISMISSAL**

**IMMERGUT, District Judge.**

Plaintiff Jermel Arcilicia Taylor (“Plaintiff”), an individual in custody at Eastern Oregon Correctional Institution (“EOCI”), brings this civil rights action pursuant to 42 U.S.C. § 1983 in connection with the State of Illinois’s imposition of penalties for Plaintiff’s failure to pay child support. Plaintiff moves to proceed *in forma pauperis* (ECF No. 1), but the application is incomplete because it lacks a certified copy of Plaintiff’s prison trust account for the six months preceding this action. However, the Court does not allow Plaintiff the opportunity to cure this

deficiency because it is clear from the Court's review that this action must be dismissed for improper venue.

A civil action may be brought in --

- (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; or
- (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or
- (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b). The State of Illinois is the only defendant to this action, and the complaint concerns the suspension of Plaintiff's driver's license in Illinois due to his failure to pay child support. The District of Oregon therefore is an improper venue for this action.

"The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406. Transfer is required "only in cases where it is in the interest of justice." *Costlow v. Weeks*, 790 F.2d 1486, 1488 (9th Cir. 1986) (simplified). Because the Eleventh Amendment bars suit against the State of Illinois, *Puerto Rico Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc.*, 506 U.S. 139, 144 (1993), and because Illinois law provides for the suspension of a driver's license for non-payment of court ordered child support, 625 ILCS 5/7-702.1(b), transfer of this action is not in the interest of justice and the complaint must be dismissed.

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PAGE 2 – ORDER OF DISMISSAL

**CONCLUSION**

Based on the foregoing, the Court DISMISSES this action for improper venue and DENIES AS MOOT all pending motions. The Court certifies that any appeal taken from this order would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24(a)(3)(A).

**IT IS SO ORDERED.**

DATED this 4th day of April, 2024.

  
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Karin J. Immergut  
United States District Judge

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JERMEL ARCILICIA TAYLOR, AKA  
Genius, AKA Melo, AKA Yusuf, AKA  
Popcorn, DBA New Muslim Party  
(N.I.U.A.),

Plaintiff - Appellant,

v.

STATE OF ILLINOIS,

Defendant - Appellee.

No. 24-3873

D.C. No.  
2:24-cv-00478-IM

District of Oregon,  
Pendleton

MANDATE

The judgment of this Court, entered May 01, 2025, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to  
Rule 41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT