

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA, WESTERN DIVISION

**Freeman A. Mesteth v. Honorable Heidi L. Linngren, Presiding
Judge, Matthew T. Stephens, Attorney, Honorable Eric Kelderman,
Circuit Court Judge, in their individual and official capacities, and
Honorable Janki Sharma, Magistrate Judge**

5:26-CV-05052-CBK · No. 5:26-CV-05052-CBK · Decided May 6, 2026

SUMMARY

The United States District Court for the District of South Dakota granted Freeman A. Mesteth leave to proceed in forma pauperis but dismissed his § 1983 complaint with prejudice under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). The court held that the judicial defendants were immune, the complaint failed to state a claim against one defendant, and claims concerning Mesteth’s pending state criminal proceedings were barred by Younger abstention. The dismissal was designated a first strike under 28 U.S.C. § 1915(g).

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Western Division
WRITING FOR THE COURT	Charles B. Kornmann
JURISDICTION	United States District Court for the District of South Dakota, Western Division
DECIDED	May 6, 2026
DOCKET	5:26-CV-05052-CBK
DISPOSITION	dismissed
PROCEDURAL POSTURE	A detained pro se plaintiff brought a 42 U.S.C. § 1983 action against state judges and appointed counsel, moved to proceed in forma pauperis, and alleged ineffective assistance, denial of substitute counsel, and violation of his speedy-trial rights. The district court granted in forma pauperis status, screened the complaint under the Prison Litigation Reform Act, and dismissed it with prejudice.
STANDARD OF REVIEW	The complaint was reviewed under the PLRA screening standards, requiring dismissal if it was frivolous, malicious, failed to state a

	claim, or sought monetary relief from an immune defendant. The complaint was liberally construed because plaintiff proceeded pro se.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion
PARTIES	Freeman A. Mesteth v. Honorable Heidi L. Linngren, Matthew T. Stephens, Honorable Eric Kelderman, Honorable Janki Sharma

TOPICS

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[prisoners rights](#)
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QUESTIONS PRESENTED

1. Whether the complaint stated a viable § 1983 claim against the defendant judges based on their alleged failure to appoint substitute counsel or respond to plaintiff's correspondence.
2. Whether the complaint stated a claim against Judge Kelderman when it alleged no action by him.
3. Whether plaintiff could use § 1983 to challenge his ongoing pretrial detention and alleged denial of a speedy trial.
4. Whether federal abstention was required under Younger because plaintiff's state criminal case was ongoing and provided an opportunity to raise the relevant claims.
5. Whether the complaint was subject to dismissal under the PLRA screening provisions.

HOLDINGS

1. Judicial immunity barred the claims against Judges Linngren and Sharma because the alleged conduct involved judicial functions and plaintiff did not allege that either judge acted outside a judicial capacity or in the complete absence of jurisdiction.
2. The complaint failed to state a claim against Judge Kelderman because it alleged no action by him.
3. A person in custody may not use a § 1983 action to challenge the fact or duration of confinement; such claims must be presented to the court with jurisdiction over the criminal case or through habeas corpus.
4. Younger abstention barred the claims against Stephens concerning plaintiff's ongoing state criminal proceedings because the state case was pending, implicated important state interests, and provided an adequate opportunity to raise relevant federal questions.
5. The complaint was subject to summary dismissal under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b) because it failed to state a claim, sought relief from immune defendants, and included claims barred by abstention.

KEY QUOTATIONS

“Judicial immunity is overcome only where the alleged actions are “not taken in the judge’s judicial capacity” or were “taken in the complete absence of all jurisdiction.””

““Younger abstention requires that federal courts ‘abstain from exercising their jurisdiction if (1) there is an ongoing state proceeding, (2) that implicates important state interests, and (3) that provides an adequate opportunity to raise any relevant federal questions.’””

““Absent extraordinary circumstances, federal courts should not interfere with the states’ pending judicial processes prior to trial and conviction, even though the prisoner claims he is being held in violation of the Constitution.””

FACTUAL BACKGROUND

Mesteth had been detained since November 4, 2025, on South Dakota charges of simple assault against a law-enforcement or other public officer and obstruction of police, jailer, or firefighter. He alleged that he had not received a speedy public trial, that appointed counsel Matthew Stephens had not visited or spoken with him, and that Judges Sharma and Linngren failed to provide substitute counsel. The state case remained pending, with a jury trial scheduled for July 10, 2026.

PROCEDURAL HISTORY

Mesteth was detained in the Pennington County Jail pending state criminal charges and filed this federal civil-rights action without prepaying the filing fee. The court granted in forma pauperis status, imposed the statutory filing-fee payment obligations, and conducted screening under 28 U.S.C. §§ 1915(e)(2) and 1915A(b). It dismissed the complaint because the claims against the judges were barred by judicial immunity, the claim against Kelderman failed to state a claim, and the claims concerning ongoing state criminal proceedings against Stephens were barred by Younger abstention.

DISPOSITION

dismissed

CASES CITED

- Solomon v. Petray, 795 F.3d 777, 787 (8th Cir. 2015)
- Schottel v. Young, 687 F.3d 370, 373 (8th Cir. 2012)
- Mireles v. Waco, 502 U.S. 9, 11-12 (1991)
- Wilkinson v. Dotson, 544 U.S. 74, 78 (2005)
- Younger v. Harris, 401 U.S. 37, 43-45 (1971)
- Arseneau v. Pudlowski, 110 F.4th 1114, 1117 (8th Cir. 2024)
- Tony Alamo Christian Ministries v. Selig, 664 F.3d 1245, 1249 (8th Cir. 2012)
- Sacco v. Falke, 649 F.2d 634, 636 (8th Cir. 1981)
- Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 507 (1973)

OPINION

Mesteth

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

WESTERN DIVISION

FREEMAN A. MESTETH, 5:26-CV-05052-CBK

Plaintiff, MEMORANDUM OPINION

Vs. AND ORDER

HONORABLE HEIDI L. LINNGREN,

Presiding Judge, MATTHEW T. STEPHENS, Attorney, HONORABLE ERIC KELDERMAN,
Circuit Court Judge, in their individual and official capacities, and

HONORABLE JANKI SHARMA,

Magistrate Judge, Defendants. Plaintiff, a detainee at the Pennington County Jail since November 4, 2025, filed a pro se complaint along with a motion for leave to proceed in forma pauperis without the prepayment of the filing fee. Plaintiff has made the requisite showing under 28 U.S.C. § 1915. Plaintiff is unable to pay an initial filing fee. Under the Prison Litigation Reform Act, “if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee.” 28 U.S.C. § 1915(b)(1). Plaintiff must pay the full \$350 filing fee notwithstanding whether or not the matter is subsequently dismissed as frivolous after review under 28 U.S.C. § 1915(e)(2). The Prison Litigation Reform Act requires the Court to conduct a screening pursuant to 28 U.S.C. § 1915A(b) when a prisoner seeks redress against a government employee. The Court is required to dismiss a case filed without the prepayment of filing fee if it determines that the action (1) is frivolous, malicious, or fails to state a claim on which relief may be granted, or (2) seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915A(b). I am required to liberally construe plaintiff's complaint and identify any discernable cognizable claim. *Solomon v. Petray*, 795 F.3d 777, 787 (8th Cir. 2015). Plaintiff contends that he has been incarcerated for 173 days and has not received a speedy public trial. He contends that his court-appointed attorney, defendant Stephens, never visited or talked to him. Plaintiff contends that defendant Sharma appointed Stephens to represent plaintiff. He contends that defendant Linngren failed to respond to plaintiff's letter asking Judge Linngren to appoint a different attorney. I take judicial notice of the records of South Dakota's Unified Judicial System, which are available on the eCourts portal. Plaintiff is currently charged with simple assault against a law enforcement or other public officer and obstruction of police, jailer, or firefighter in the Seventh Judicial Circuit, Pennington County, South Dakota, case # 51CRI25-004784. Plaintiff's alleged conduct occurred on November 4, 2025. An habitual offender information has been filed. Jury trial is scheduled for July 10, 2026. Matthew Stephens is plaintiff's criminal defense attorney. The case is assigned to Circuit Court Judge Stacy L. Wickre. Construing plaintiff's complaint

liberally, plaintiff's complaint claims that he is receiving ineffective assistance of counsel in his state court case and that Judges Linngren and Sharma have not provided him substitute counsel. Plaintiff states no claims against Judge Kelderman. Plaintiff claims that he has not received a trial within South Dakota's 180-day speedy trial deadline. Plaintiffs complaint is subject to dismissal under 28 U.S.C. § 1915A(b)(2). Plaintiff seeks relief from officials who are immune from damages arising out of the performance of their official judicial functions. Pursuant to the doctrine of judicial immunity, a "judge is immune from suit, including suits brought under section 1983 to recover for alleged deprivation of civil rights, in all but two narrow sets of circumstances." *Schottel v. Young*, 687 F.3d 370, 373 (8th Cir. 2012). Judicial immunity is overcome only where the alleged actions are "not taken in the judge's judicial capacity" or were "taken in the complete absence of all jurisdiction." *Mireles v. Waco*, 502 U.S. 9, 11-12, 112 S.Ct. 286, 288, 116 L.Ed.2d 9 (1991). Plaintiff has failed to allege any action by Judges Linngren or Sharma that was nonjudicial in nature or taken without jurisdiction. He has further failed to allege any action at all by Judge Kelderman. Notwithstanding judicial immunity, plaintiff's claim concerning his pretrial detention is subject to dismissal for failure to state a claim. A person in custody cannot use a § 1983 action to challenge the fact or duration of his confinement. See *Wilkinson v. Dotson*, 544 U.S. 74, 78, 125 S. Ct. 1242, 1245, 161 L. Ed. 2d 253 (2005). Such matters must be asserted in the court having jurisdiction over the person or by way of a petition for habeas corpus. Even if plaintiff's complaint was construed as a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, it has long been the rule that, considering principles of comity and federalism, federal courts should abstain from interfering in ongoing state criminal proceedings. *Younger v. Harris*, 401 U.S. 37, 43-45, 91 S.Ct. 746, 750-51, 27 L.Ed.2d 669 (1971). Petitioner's state criminal case is still pending. "Younger abstention requires that federal courts 'abstain from exercising their jurisdiction if (1) there is an ongoing state proceeding, (2) that implicates important state interests, and (3) that provides an adequate opportunity to raise any relevant federal questions.'"

Arseneau v. Pudlowski, 110 F.4th 1114, 1117 (8th Cir. 2024) (quoting *Tony Alamo Christian Ministries v. Selig*, 664 F.3d 1245, 1249 (8th Cir. 2012)). "Absent extraordinary circumstances, federal courts should not interfere with the states' pending judicial processes prior to trial and conviction, even though the prisoner claims he is being held in violation of the Constitution." *Sacco v. Falke*, 649 F.2d 634, 636 (8th Cir. 1981) (quoting *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 507, 93 S.Ct. 1123, 1129, 1136, 35 L-Ed.2d 443 (1973) (Rehnquist, Justice, dissenting)). Plaintiffs complaint fails to state a claim upon which relief can be granted against defendant Kelderman, seeks relief from defendants Linngren and Sharma who are entitled to official immunity, and the claims against defendant Stephens are barred by Younger abstention. The complaint is subject to summary dismissal. 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). Now, therefore, IT IS ORDERED:

1. Plaintiff's motion, Doc. 2, to proceed in forma pauperis without the payment of the filing fee is granted.

2. Whenever the amount in plaintiff's trust account exceeds \$10.00, the institution having custody of the plaintiff is hereby directed to forward monthly payments that equal 20% of the funds credited the preceding month to the plaintiff's trust account to the U.S. District Court Clerk's office pursuant to 28 U.S.C. § 1915(b)(2), until the \$350.00 filing fee is paid in full.

3. The Clerk of Court shall send a copy of this order to the appropriate official at plaintiff's institution.

4. This matter is dismissed with prejudice and without costs pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). This dismissal constitutes a first strike pursuant to 28 U.S.C. § 1915(g). DATED this day of May, 2026. BY THE COURT: Les Py (Covrrrnre A141

CHARLES B. KORNMANN
United States District Judge