

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

Dustin Brian LaRoche v. Lower Brule Sioux Tribe Corporation

231 F.3d 456 · No. 3:26-CV-03008-KES · Decided May 14, 2026

SUMMARY

The United States District Court for the District of South Dakota granted Dustin Brian LaRoche leave to proceed in forma pauperis but dismissed his claims against the Lower Brule Sioux Tribe with prejudice. The court held that tribal sovereign immunity barred LaRoche’s claims concerning the administration and payment of General Assistance benefits because he identified no waiver or congressional abrogation of immunity. The court denied his motion for appointment of counsel as moot.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Central Division
WRITING FOR THE COURT	Karen E. Schreier
JURISDICTION	United States District Court for the District of South Dakota, Central Division
DECIDED	May 14, 2026
DOCKET	3:26-CV-03008-KES
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff brought claims challenging the administration of tribal General Assistance benefits and moved to proceed in forma pauperis and for appointment of counsel. The district court granted in forma pauperis status, screened the complaint under 28 U.S.C. § 1915(e)(2)(B), dismissed the claims with prejudice on tribal sovereign-immunity grounds, and denied appointment of counsel as moot.
STANDARD OF REVIEW	For in forma pauperis eligibility, the district court exercised discretion based on the plaintiff’s financial affidavit. On screening under 28 U.S.C. § 1915(e)(2)(B), the court accepted well-pleaded factual allegations as true and liberally construed the pro se and civil-rights complaint, while requiring specific factual allegations sufficient to state a plausible claim.

PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation
PARTIES	Dustin Brian LaRoche v. Lower Brule Sioux Tribe Corporation

TOPICS

sovereign immunity tribal sovereignty indian affairs civil rights civil procedure

PRACTICE AREAS

civil procedure federal Indian law civil rights

QUESTIONS PRESENTED

1. Whether LaRoche was financially eligible to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1).
2. Whether the complaint was subject to dismissal during screening under 28 U.S.C. § 1915(e)(2)(B).
3. Whether tribal sovereign immunity barred LaRoche's claims against the Lower Brule Sioux Tribe Corporation and its General Assistance Program absent an alleged waiver or congressional abrogation.
4. Whether appointment of counsel should be granted after dismissal of the action.

HOLDINGS

1. A plaintiff may proceed in forma pauperis when the financial affidavit establishes insufficient funds to pay the filing fee; LaRoche satisfied that requirement.
2. After granting in forma pauperis status, the district court must screen the complaint and dismiss claims that are frivolous or malicious, fail to state a claim, or seek monetary relief from an immune defendant.
3. Tribal sovereign immunity barred LaRoche's claims against the Lower Brule Sioux Tribe Corporation and its General Assistance Program because he alleged neither a clear tribal waiver nor unequivocal congressional abrogation.
4. The motion for appointment of counsel was denied as moot after dismissal of the claims.

KEY QUOTATIONS

“Thus, because LaRoche seeks relief against the Lower Brule Sioux Tribe, which is protected by sovereign immunity, and does not identify any applicable waiver or congressional abrogation, the complaint fails to state a claim upon which relief may be granted and must be dismissed under 28 U.S.C. § 1915(e)(2)(B)(iii).”
(Section II.B)

FACTUAL BACKGROUND

Dustin LaRoche received General Assistance benefits administered by the Lower Brule Sioux Tribe beginning in September 2025. His October and November payments were each \$186 less than the applicable head-of-household rate and were received after the dates he alleged they should have been issued. He alleged that the Tribe failed to provide adequate notice, justification, or an opportunity to appeal the reductions, causing financial hardship, and sought declaratory, injunctive, and monetary relief.

PROCEDURAL HISTORY

LaRoche filed the action against the Lower Brule Sioux Tribe Corporation and sought declaratory, injunctive, and monetary relief concerning reduced and delayed General Assistance payments. The district court granted leave to proceed in forma pauperis, conducted mandatory screening, concluded that the claims were barred by tribal sovereign immunity, dismissed the claims with prejudice, and denied the motion for appointment of counsel as moot.

DISPOSITION

dismissed

CASES CITED

- Lee v. McDonald's Corp., 231 F.3d 456, 459 (8th Cir. 2000)
- Williams v. McKenzie, 834 F.2d 152, 154 (8th Cir. 1987)
- Cross v. Gen. Motors Corp., 721 F.2d 1152, 1157 (8th Cir. 1983)
- Martin-Trigona v. Stewart, 691 F.2d 856, 857 (8th Cir. 1982) (per curiam)
- Key v. Does, 217 F. Supp. 3d 1006, 1007 (E.D. Ark. 2016)
- Est. of Rosenberg v. Crandell, 56 F.3d 35, 36 (8th Cir. 1995)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam)
- Bediako v. Stein Mart, Inc., 354 F.3d 835, 839 (8th Cir. 2004)
- Martin v. Sargent, 780 F.2d 1334, 1337 (8th Cir. 1985)
- Ellis v. City of Minneapolis, 518 F. App'x 502, 504 (8th Cir. 2013) (per curiam)
- Davis v. Hall, 992 F.2d 151, 152 (8th Cir. 1993) (per curiam)
- Parker v. Porter, 221 F. App'x 481, 482 (8th Cir. 2007)
- Williams v. Willits, 853 F.2d 586, 588 (8th Cir. 1988)
- Bramlet v. Wilson, 495 F.2d 714, 716 (8th Cir. 1974)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-56, 553-63 (2007)
- Beavers v. Lockhart, 755 F.2d 657, 663 (8th Cir. 1985)
- Abdullah v. Minnesota, 261 F. App'x 926, 927 (8th Cir. 2008) (per curiam)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Okla. Tax Comm'n v. Citizen Band Potawatomi Indian Tribe of Okla., 498 U.S. 505, 509 (1991)
- Santa Clara Pueblo v. Martinez, 436 U.S. 49, 58 (1978)
- Stathis v. Marty Indian Sch. Bd. Inc., 560 F. Supp. 3d 1283, 1291 (D.S.D. 2021)