

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

**Dylan A. Thomas v. Lincoln Regional Center, Dr. Shawn Curtis,
Jeffery Austile, and Kaitlyn Liss**

Thomas · No. 8:26CV26 · Decided February 2, 2026

SUMMARY

The United States District Court for the District of Nebraska grants Dylan A. Thomas leave to proceed in forma pauperis and directs that his complaint be filed without payment of fees. The court explains that it will conduct an initial review under 28 U.S.C. § 1915(e)(2) and notes that the plaintiff is not a prisoner under the Prison Litigation Reform Act because he is committed to a state mental institution.

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA DYLAN A. THOMAS, Plaintiff, 8:26CV26 vs. MEMORANDUM AND ORDER LINCOLN REGIONAL CENTER, DR. SHAWN CURTIS, LRC Program Director; JEFFERY AUSTILE, APRN; and KAITLYN LISS, Social Worker; Defendants. Plaintiff Dylan A. Thomas, a non-prisoner,¹ filed a Motion for Leave to Proceed in Forma Pauperis. Filing No. 6.

Upon review of Plaintiff's Motion, the Court finds that Plaintiff is financially eligible to proceed in forma pauperis. IT IS THEREFORE ORDERED that leave to proceed in forma pauperis is granted, and the Complaint shall be filed without payment of fees. Plaintiff is advised that the next step in his case will be for the Court to conduct an initial review of his claims to determine whether summary dismissal is 1 Plaintiff's Complaint, Filing No. 1, indicates he is committed to a state mental institution.

Thus, Plaintiff is not a "prisoner" within the meaning of the PLRA. See *Reed v. Clarke*, No. 4:04CV3168, 2005 WL 1075092, at *1 n.1 (D. Neb. May 5, 2005) ("The plaintiff is presently in the Lincoln Regional Center pursuant to a mental health commitment.

The Prison Litigation Reform Act ('PLRA') does not apply to persons in custody pursuant to the Mental Health Commitment Act, as the definition of 'prisoner' in the PLRA does not include a person involuntarily committed for reasons of mental health.") (citing *Kolocotronis v. Morgan*, 247 F.3d 726, 728 (8th Cir.2001)). appropriate under 28 U.S.C. § 1915(e)(2)..

The Court will conduct this initial review in its normal course of business. Dated this 2nd day of February, 2026. BY THE COURT: J M. Gerrard S€ehior United States District Judge

