

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

James W. McNeese v. (FNU) Anderson, et al.

McNeese · No. 25-3267-JWL · Decided December 12, 2025

SUMMARY

The United States District Court for the District of Kansas dismissed James W. McNeese’s pro se civil-rights action under 42 U.S.C. § 1983 as duplicative and frivolous or malicious. The court found that McNeese had repeatedly filed substantially identical claims concerning an alleged injection of a foreign object by a deputy and had previously been warned that further duplicative actions could be summarily dismissed.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	December 12, 2025
DOCKET	25-3267-JWL
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a pro se civil-rights action under 42 U.S.C. § 1983. The district court dismissed the action as duplicative and frivolous or malicious.
PRECEDENTIAL VALUE	unknown
PARTIES	James W. McNeese v. (FNU) Anderson, et al.

TOPICS

- civil procedure
- section 1983
- prisoners rights
- pleadings

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed because it repetitively duplicated McNeese's prior federal actions based on the same incident and sought the same relief.

2. Whether the repetitive and duplicative filing constituted frivolous or malicious litigation subject to dismissal under 28 U.S.C. § 1915.

HOLDINGS

1. A pro se action that repeats the same allegations against the same parties and seeks the same relief as prior federal actions may be dismissed as duplicative.
2. Repetitious litigation of virtually identical causes of action may be dismissed under 28 U.S.C. § 1915 as frivolous or malicious.

KEY QUOTATIONS

“When a pro se litigant files complaints that are repetitive, duplicative of other filings, without merit, or frivolous, he abuses the district court process.”

““[R]epetitious litigation of virtually identical causes of action may be dismissed under [28 U.S.C.] § 1915 as frivolous or malicious.””

““The unnecessary burden placed upon the judicial process in adjudicating these frivolous and malicious lawsuits is obvious.””

““[T]here is no constitutional right of access to the courts to prosecute an action that is frivolous or malicious No one, rich or poor, is entitled to abuse the judicial process.””

FACTUAL BACKGROUND

McNeese, a detainee at the Sedgwick County Jail, alleged that in January 2023 Deputy Anderson entered his cell and injected a foreign object into his right abdomen without consent, causing pain. He also alleged that the Sedgwick County Courthouse and a district attorney were involved. He sought removal of the alleged object and dismissal of his state criminal case. The court relied on the fact that McNeese had repeatedly filed substantially identical federal actions involving the same defendants, allegations, and requested relief.

PROCEDURAL HISTORY

McNeese alleged that Deputy Anderson injected a foreign object into his abdomen and sought removal of the object and dismissal of his underlying state criminal case. He had previously filed multiple federal actions asserting the same allegations and seeking the same relief; those actions were dismissed as failing to state a claim, duplicative, or frivolous or malicious. The Tenth Circuit affirmed one of the prior dismissals, and the district court had warned McNeese that further actions based on the incident could be summarily dismissed. The present action was his seventh based on the same claim.

DISPOSITION

dismissed

CASES CITED

- Werner v. Utah, 32 F.3d 1446, 1447, 1449 (10th Cir. 1994)
- McWilliams v. Colorado, 121 F.3d 573, 574 (10th Cir. 1997)
- Van Sickle v. Holloway, 791 F.2d 1431, 1437 (10th Cir. 1986)
- Tripathi v. Beaman, 878 F.2d 351, 353 (10th Cir. 1989) (per curiam)
- Childs v. Miller, 713 F.3d 1262, 1265 (10th Cir. 2013)
- McNeese v. Anderson, Case No. 24-3153-JWL (D. Kan.)
- McNeese v. Anderson, Case No. 24-3227-JWL (D. Kan.)
- McNeese v. Anderson, Case No. 25-3026-HLT-ADM (D. Kan.)
- McNeese v. Anderson, Case No. 25-3060-JWL (D. Kan. April 4, 2025)

OPINION

McNeese

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

JAMES W. McNEESE,

Plaintiff,

v. CASE NO. 25-3267-JWL

(FNU) ANDERSON, et al., Defendants.

MEMORANDUM AND ORDER

Plaintiff filed this pro se civil rights case under 42 U.S.C. § 1983. Plaintiff is in custody at the Sedgwick County Jail in Wichita, Kansas. Plaintiff has paid the filing fee. Plaintiff alleges that in January 2023, Deputy Anderson came into Plaintiff's cell while doing rounds and injected a foreign object into Plaintiff's right abdomen, leaving visible blood. (Doc. 1, at 2.) Plaintiff alleges that this was done without his consent. *Id.* Plaintiff claims that the Sedgwick County Courthouse had something to do with it, and District Attorney Josh Steward said something to Deputy Anderson. *Id.* at 3. Plaintiff claims that he has been having sharp pain in his abdominal area due to what happened. *Id.* at 4. Plaintiff's request for relief seeks to have the foreign object removed and to have his state case dismissed. *Id.* at 5. The Court is dismissing this case as duplicative and frivolous or malicious. This is Plaintiff's seventh case that he has filed based on this same claim. See *McNeese v. Anderson*, Case No. 24-3153-JWL (D. Kan.). Case No. 24-3153 was dismissed for failure to state a claim on November 4, 2024. *Id.* at Docs. 9, 10. Plaintiff filed a Notice of Appeal (Doc. 15) which was dismissed by the Tenth Circuit Court of Appeals for failure to prosecute. *Id.* at Doc. 22. Plaintiff then filed the same claims in Case No. 24-3227 on December 16, 2024. See *McNeese v. Anderson*, Case No. 24-3227-JWL (D. Kan.). On January 29, 2025, Case No. 24-3227 was dismissed as duplicative and as frivolous or malicious. See *id.* at Doc. 10. On February 13, 2025, Plaintiff filed *McNeese v. Anderson*, Case No. 25-3026-HLT-ADM (D. Kan.). That case raised the same claim and was dismissed as duplicative on June 2, 2025. *Id.* at

Doc. 35. Plaintiff appealed, and on September 18, 2025, the Tenth Circuit Court of Appeals entered an Order and Judgment affirming the District Court’s dismissal. *Id.* at Doc. 81 (stating that McNeese has repetitively sued the same parties for the same allegations—i.e., that he was injected with a foreign object—and has sought the same relief—i.e., that the foreign object be removed, and his underlying state criminal case be dismissed). The Tenth Circuit agreed that the case was duplicative of the other actions Plaintiff filed in federal court. *Id.* at 5. Plaintiff continued to file these same claims in *McNeese v. Anderson*, Case No. 25-3060- JWL (D. Kan.); *McNeese v. Anderson*, Case No. 25-3073-JWL (D. Kan.); and *McNeese v. Anderson*, Case No. 25-3083-JWL (D. Kan.). The Court dismissed Case No. 25-3060 on April 4, 2025. *McNeese v. Anderson*, Case No. 25-3060-JWL, Doc. 4 (D. Kan. April 4, 2025). The Court’s Memorandum and Order dismissing the case cautioned Plaintiff that any further actions filed by him based on this same incident may be summarily dismissed as duplicative and frivolous or malicious. *Id.* at 2. Despite the Court’s warning, Plaintiff has filed this current case—his seventh case alleging the same claim and seeking the same relief. The Court dismisses this matter as duplicative. The general policy against duplicative cases exists because: When a pro se litigant files complaints that are repetitive, duplicative of other filings, without merit, or frivolous, he abuses the district court process. See *Werner v. Utah*, 32 F.3d 1446, 1447, 1449 (10th Cir. 1994). “[R]epetitious litigation of virtually identical causes of action may be dismissed under [28 U.S.C.] § 1915 as frivolous or malicious.” *McWilliams v. Colorado*, 121 F.3d 573, 574 (10th Cir. 1997) (internal quotation marks omitted) (first alteration in original). “The unnecessary burden placed upon the judicial process in adjudicating these frivolous and malicious lawsuits is obvious.” *Van Sickle v. Holloway*, 791 F.2d 1431, 1437 (10th Cir. 1986). “[T]here is no constitutional right of access to the courts to prosecute an action that is frivolous or malicious No one, rich or poor, is entitled to abuse the judicial process.” *Tripathi v. Beaman*, 878 F.2d 351, 353 (10th Cir. 1989) (per curiam). *Childs v. Miller*, 713 F.3d 1262, 1265 (10th Cir. 2013). Any further actions filed by Plaintiff based on this same incident may be summarily dismissed as duplicative and frivolous or malicious. IT IS THEREFORE ORDERED BY THE COURT that this matter is dismissed as frivolous or malicious. IT IS SO ORDERED. Dated December 12, 2025, in Kansas City, Kansas. S/ John W. Lungstrum
JOHN W. LUNGSTRUM
UNITED STATES DISTRICT JUDGE