

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

- 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)

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