

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

L.D.B. v. Stanley Patrick Weber et al.

L.D.B. v. Weber · No. 5:25-CV-05085-CBK · Decided January 13, 2026

SUMMARY

The court grants the plaintiff’s application to proceed in forma pauperis and orders payment of the filing fee through monthly deductions from the plaintiff’s trust account. The court denies appointment of counsel as premature, grants the motion to proceed using initials because the claims concern alleged child sexual abuse, and orders sealing and redaction of existing filings. The order also directs issuance and service of summonses and warns that failure to return the required forms may result in dismissal for failure to prosecute.

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	January 13, 2026
DOCKET	5:25-CV-05085-CBK
DISPOSITION	other
PROCEDURAL POSTURE	A detainee filed a pro se civil-rights complaint and motions to proceed in forma pauperis, for appointment of counsel, and to redact personal identifiers. The court screened the complaint under the Prison Litigation Reform Act, ruled on the motions, and ordered service of process.
STANDARD OF REVIEW	The court was required to liberally construe the pro se complaint and conduct screening under 28 U.S.C. § 1915A(b), dismissing claims that are frivolous, malicious, fail to state a claim, or seek monetary relief from an immune defendant.
PRECEDENTIAL VALUE	unpublished district-court order

TOPICS

prisoners rights

section 1983

civil rights

civil procedure

service of process

PRACTICE AREAS

civil procedure

prisoner civil rights

constitutional law

federal courts

health law

QUESTIONS PRESENTED

1. Whether plaintiff qualified to proceed in forma pauperis without prepaying the filing fee and remained responsible for the full filing fee under the Prison Litigation Reform Act.
2. Whether the complaint stated a viable claim under 42 U.S.C. § 1983 where it did not allege that either defendant acted under color of state law.
3. Whether plaintiff should be permitted to proceed under initials and have identifying information redacted or sealed because he alleged childhood sexual abuse.
4. Whether appointment of counsel was warranted at that stage of the proceedings.
5. Whether the Clerk and United States Marshals Service should issue and serve process.

HOLDINGS

1. Plaintiff qualified to proceed in forma pauperis without prepayment of the filing fee, but remained obligated to pay the full \$350 filing fee through monthly payments from his trust account as required by the Prison Litigation Reform Act.
2. Plaintiff's claims could not proceed under 42 U.S.C. § 1983 because the complaint did not allege that either defendant was a state actor or acted under color of state law.
3. Liberally construed, plaintiff's allegations potentially asserted claims under the Federal Tort Claims Act or Bivens rather than under § 1983.
4. Plaintiff was permitted to proceed using his initials, and the Clerk was ordered to seal existing filings, prepare redacted versions, and restrict future filings and envelopes as directed.
5. Appointment of counsel was denied as premature.

KEY QUOTATIONS

"To state a claim under § 1983, a plaintiff must allege the violation of a right secured by the Constitution or laws of the United States, and must show that the alleged deprivation was committed by a person acting under color of state law." (Discussion of § 1983 claim)

"a party may proceed under a fictitious name only in those limited circumstances where the party's need for anonymity outweighs countervailing interests in full disclosure." (Discussion of anonymity)

"Plaintiff's right to privacy outweighs the presumption of openness in judicial proceedings." (Discussion of anonymity)

FACTUAL BACKGROUND

Plaintiff was a detainee at the Pennington County Jail and alleged that Stanley Patrick Weber sexually abused and sexually exploited him from 2003 through 2016 at Weber's home and Indian Health Service office in Pine Ridge, South Dakota. Weber was serving a life sentence for sexual-abuse crimes committed in South Dakota, consecutive to a 220-month sentence for sexual-abuse crimes committed in Montana. Plaintiff alleged that he was a minor when the abuse occurred and sought to proceed under initials to protect his identity.

PROCEDURAL HISTORY

Plaintiff filed a pro se complaint without prepaying the filing fee. The court granted in forma pauperis status, denied appointment of counsel as premature, granted permission to proceed using initials and ordered redaction and sealing procedures, and directed the Clerk and United States Marshals Service to issue and serve summonses. The court stated that the allegations did not support a claim under 42 U.S.C. § 1983 because defendants were not alleged to be state actors, while construing the allegations as potentially arising under the Federal Tort Claims Act or Bivens.

DISPOSITION

other

CASES CITED

- Solomon v. Petray, 795 F.3d 777, 787 (8th Cir. 2015)
- West v. Atkins, 487 U.S. 42, 48, 108 S. Ct. 2250, 2254-55, 101 L. Ed. 2d 40 (1988)
- Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 389 (1971)
- Cajune v. Indep. Sch. Dist. 194, 105 F.4th 1070, 1076-77 (8th Cir. 2024)
- United States v. Weber, No. CR. 17-50033-JLV, 2020 WL 5531562, at *2 (D.S.D. Sept. 15, 2020)
- Doe v. Heartland Ivy Partners LLC, No. 24-CV-4347 (JWB/DJF), 2025 WL 26643, at *2 (D. Minn. Jan. 3, 2025)

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