

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

Robert Allan West v. Gustafson, Sgt. Jailer O.1-C. Minnehaha
County Jail, individual capacity; and Charge Nurse M2013, RN
Nurse M2013 Minnehaha County Jail, individual capacity

No. 4:25-CV-04142-RAL (D.S.D. Mar. 25, 2026) · No. 4:25-CV-04142-RAL · Decided March 25, 2026

SUMMARY

The United States District Court for the District of South Dakota grants Robert Allan West leave to proceed in forma pauperis and waives the initial partial filing fee, while holding that he remains responsible for the full filing fee under the Prison Litigation Reform Act. The court conducts screening under 28 U.S.C. § 1915A and concludes that West plausibly states a Fourteenth Amendment deliberate-indifference claim for damages against Sergeant Gustafson based on alleged delays in obtaining medical care. The opinion also analyzes West’s allegations against Charge Nurse M2013 concerning the evaluation and treatment of his injuries.

CASE DETAILS

COURT	United States District Court for the District of South Dakota, Southern Division
WRITING FOR THE COURT	Roberto A. Lange
JURISDICTION	United States District Court for the District of South Dakota, Southern Division
DECIDED	March 25, 2026
DOCKET	4:25-CV-04142-RAL
DISPOSITION	other
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983; the court granted leave to proceed in forma pauperis and conducted screening under 28 U.S.C. § 1915A.
STANDARD OF REVIEW	At § 1915A screening, the court accepted well-pleaded factual allegations as true, liberally construed the pro se complaint, and dismissed claims that were frivolous, malicious, failed to state a claim, or sought monetary relief from an immune defendant. The court applied the plausibility standard under Bell Atlantic Corp. v. Twombly.

TOPICS

section 1983

prisoners rights

fourteenth amendment

civil procedure

motion to amend

PRACTICE AREAS

civil rights

prisoner litigation

constitutional medical-care claims

medical malpractice

civil procedure

QUESTIONS PRESENTED

1. Whether West remained responsible for the full filing fee under the Prison Litigation Reform Act after being released from custody while his in forma pauperis motion was pending.
2. Whether West stated a Fourteenth Amendment deliberate-indifference claim for inadequate medical care against Sergeant Gustafson.
3. Whether West stated a Fourteenth Amendment deliberate-indifference claim against Charge Nurse M2013 based on her examination and alleged failure to diagnose and properly treat his wrist injury.
4. Whether West stated a supplemental South Dakota medical-malpractice claim against Nurse M2013.
5. Whether West's filing of medical grievance documents constituted an amendment or supplementation of his complaint.

HOLDINGS

1. Because West was incarcerated when he filed the action, the Prison Litigation Reform Act required him to remain responsible for the entire filing fee even though he was later released. The court granted in forma pauperis status, waived the initial partial filing fee because he lacked sufficient assets, and ordered collection of the fee pursuant to the statutory installment procedure.
2. West plausibly stated an individual-capacity Fourteenth Amendment deliberate-indifference claim for inadequate medical care against Sergeant Gustafson, and that claim for money damages survived § 1915A screening.
3. West failed to state a Fourteenth Amendment deliberate-indifference claim against Nurse M2013 because the allegations showed, at most, negligence or medical malpractice rather than criminal recklessness or deliberate disregard of a serious medical need. The claim was dismissed without prejudice.
4. West plausibly stated a South Dakota medical-malpractice claim against Nurse M2013, and the claim survived § 1915A screening under the court's supplemental jurisdiction.
5. West's filing did not appear to assert new claims or add parties and therefore was denied as a motion to amend as moot; the court nevertheless considered the attached medical grievances as supplemental materials or attachments to the complaint for screening purposes.

KEY QUOTATIONS

“At this stage of the proceeding, West has pled a plausible Fourteenth Amendment deliberate indifference to medical needs claim against Sergeant Gustafson, and West’s individual capacity claim against Sergeant Gustafson for money damages survives § 1915A screening.” (at 13)

“West’s allegations, at most, show that Nurse M2013 was negligent in failing to diagnose and properly treat his broken wrist.” (at 15)

“Thus, West’s state-law medical malpractice claim against Nurse M2013 survives § 1915A screening.” (at 16)

FACTUAL BACKGROUND

West alleged that Sioux Falls police officers injured him during an arrest on December 27, 2024, including causing a fractured wrist, broken ribs, and facial lacerations. After being taken to the Minnehaha County Jail, he repeatedly requested hospital care, reported severe pain and blood in his stool, and alleged that jail personnel delayed or denied further treatment. He alleged that Sergeant Gustafson knew of his requests and medical condition, while Nurse M2013 examined him and failed to diagnose his broken wrist before he later received X-rays and treatment at Avera McKennan Hospital.

PROCEDURAL HISTORY

West filed a § 1983 complaint while incarcerated at the Minnehaha County Jail, together with a motion to proceed in forma pauperis and a motion to amend or submit additional documents. He was released before the court ruled on the in forma pauperis motion. The court granted pauper status, waived the initial partial filing fee, treated the attached documents as a supplement to the complaint, denied the motion to amend as moot, allowed the individual-capacity deliberate-indifference claim against Sergeant Gustafson and the state-law medical-malpractice claim against Nurse M2013 to proceed, and dismissed the deliberate-indifference claims against Nurse M2013 without prejudice.

DISPOSITION

other

CASES CITED

- Carson v. Tulsa Police Department, 266 F. App’x 763, 766-67 (10th Cir. 2008)
- Domino v. Garland, No. 20-CV-2583, 2021 WL 1221188, at *1-*2 (D. Minn. Apr. 1, 2021)
- In re Prison Litigation Reform Act, 105 F.3d 1131, 1139 (6th Cir. 1997)
- McGann v. Commissioner, Social Security Administration, 96 F.3d 28, 29-30 (2d Cir. 1996)
- DeBlasio v. Gilmore, 315 F.3d 396, 397 (4th Cir. 2003)
- Gay v. Texas Department of Corrections State Jail Division, 117 F.3d 240, 241-42 (5th Cir. 1997)
- Robbins v. Switzer, 104 F.3d 895, 897-99 (7th Cir. 1997)
- In re Smith, 114 F.3d 1247, 1251 (D.C. Cir. 1997)
- In re Tyler, 110 F.3d 528, 529-30 (8th Cir. 1997)
- Henderson v. Norris, 129 F.3d 481, 483 (8th Cir. 1997)

- *McGore v. Wigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997)
- *Hilston v. Lincoln County Circuit Judges*, 782 F. Supp. 3d 712, 715-17 (D.S.D. 2025)
- *Bell v. Bittinger*, No. 4:24-CV-04152-LLP, 2025 WL 1424903 (D.S.D. May 16, 2025)
- *Zean v. Fairview Health Services*, 858 F.3d 520, 526 (8th Cir. 2017)
- *Enervations, Inc. v. Minnesota Mining & Manufacturing Co.*, 380 F.3d 1066, 1069 (8th Cir. 2004)
- *United States v. Vorachek*, 563 F.2d 884, 886 (8th Cir. 1977) (per curiam)
- *Estate of Rosenberg v. Crandell*, 56 F.3d 35, 36-37 (8th Cir. 1995)
- *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)
- *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, 152-53 (8th Cir. 1993) (per curiam)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 676 (2009)
- *Parrish v. Ball*, 594 F.3d 993, 1001 (8th Cir. 2010)
- *Estelle v. Gamble*, 429 U.S. 97, 104-06 (1976)
- *Gregg v. Georgia*, 428 U.S. 153, 173 (1976)
- *Jolly v. Knudsen*, 205 F.3d 1094, 1096 (8th Cir. 2000)
- *Dulany v. Carnahan*, 132 F.3d 1234, 1239 (8th Cir. 1997)
- *Coleman v. Rahija*, 114 F.3d 778, 784 (8th Cir. 1997)
- *Camberos v. Branstad*, 73 F.3d 174, 176 (8th Cir. 1995)
- *Farmer v. Brennan*, 511 U.S. 825, 837 (1994)
- *Popoalii v. Correctional Medical Services*, 512 F.3d 488, 499 (8th Cir. 2008)
- *Allard v. Baldwin*, 779 F.3d 768, 772 (8th Cir. 2015)
- *McRaven v. Sanders*, 577 F.3d 974, 982 (8th Cir. 2009)
- *Cannon v. Dehner*, 112 F.4th 580, 587 (8th Cir. 2024)
- *Hunter v. Haas*, No. 4:24-CV-04170-CCT, 2025 WL 2830261, at *5 (D.S.D. Oct. 6, 2025)
- *Hanson v. Big Stone Therapies, Inc.*, 916 N.W.2d 151, 158 (S.D. 2018)
- *Hamilton v. Sommers*, 855 N.W.2d 855, 861 (S.D. 2014)
- *Magbuhat v. Kovarik*, 382 N.W.2d 43, 46 (S.D. 1986)
- *Ward v. United States Marshals*, No. 5:23-CV-05061-CCT, 2025 WL 949242, at *35 (D.S.D. Mar. 28, 2025)