

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
DAKOTA

Bordeaux v. Carson et al.; Bordeaux v. State of South Dakota et al.;
Bordeaux v. South Dakota State Women's Prison

4:25-CV-04047-RAL; 4:25-CV-04059-RAL; 4:25-CV-04081-RAL; 3:25-CV-03010-RAL · No. 4:25-CV-04047-
RAL; 4:25-CV-04059-RAL; 4:25-CV-04081-RAL; 3:25-CV-03010-RAL · Decided April 13, 2026

SUMMARY

This opinion and order addresses pro se complaints filed by Rochelle Rowane Bordeaux and LaChara Marie Bordeaux in four related actions in the District of South Dakota. The court grants the plaintiffs leave to proceed in forma pauperis, waives their initial partial filing fees, and explains their continuing obligations to pay the filing fees under the Prison Litigation Reform Act. The court also conducts screening under 28 U.S.C. § 1915A, addressing claims involving public defenders, alleged constitutional violations, prior criminal sentences, and prison-mail restrictions.

CASE DETAILS

COURT	United States District Court for the District of South Dakota
WRITING FOR THE COURT	Roberto A. Lange
JURISDICTION	United States District Court for the District of South Dakota
DECIDED	April 13, 2026
DOCKET	4:25-CV-04047-RAL; 4:25-CV-04059-RAL; 4:25-CV-04081-RAL; 3:25-CV-03010-RAL
DISPOSITION	dismissed
PROCEDURAL POSTURE	Screening of four consolidated pro se prisoner civil-rights complaints under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A, together with motions for leave to proceed in forma pauperis.
STANDARD OF REVIEW	On screening under 28 U.S.C. § 1915A, the court assumed the truth of well-pleaded factual allegations, liberally construed the pro se complaints, and dismissed claims that were frivolous, malicious, failed to state a claim, or sought relief from an immune defendant. The court applied the pleading standard requiring specific factual allegations sufficient to raise a right to relief above the speculative level.
PRECEDENTIAL VALUE	unpublished district-court opinion; precedential status unknown

PARTIES

Rochelle Rowane Bordeaux, LaChara Marie Bordeaux v. Jacob Carson, Public Defender, Minnehaha County Public Defender, State of South Dakota, Does, Officers and Judges of Minnehaha County, Pennington County Jail, South Dakota State Women's Prison

TOPICS

prisoners rights

section 1983

first amendment

eleventh amendment immunity

equal protection

PRACTICE AREAS

civil procedure

civil rights

constitutional law

prison litigation

remedies

QUESTIONS PRESENTED

1. Whether the plaintiffs satisfied the requirements to proceed in forma pauperis under the Prison Litigation Reform Act after Rochelle's release from custody.
2. Whether Rochelle's claims against public defenders stated a claim under § 1983 or otherwise sought relief available from the defendants.
3. Whether Rochelle's challenge to prior sentences was barred by Heck v. Humphrey.
4. Whether Rochelle stated a selective-enforcement or class-of-one equal-protection claim based on alleged arrests, harassment, and repeated traffic stops.
5. Whether claims concerning withheld inmate mail could proceed against the South Dakota State Women's Prison, or were barred by Eleventh Amendment immunity.

HOLDINGS

1. A prisoner who commences a civil action while incarcerated remains responsible for the full filing fee under the PLRA even if released before the court rules on the in forma pauperis motion; the court may waive the initial partial filing fee when the prisoner lacks assets or means to pay it.
2. Rochelle's claims against the public defenders failed because her requested relief—suspension or professional discipline—was not relief the court could grant; her official-capacity claims also failed for lack of allegations of a municipal policy or custom, and her individual-capacity claims for injunctive relief failed to state a claim.
3. Rochelle's § 1983 claims challenging the validity or duration of her prior sentences were barred by Heck v. Humphrey because success would necessarily imply the invalidity of those sentences.
4. Rochelle failed to state a selective-enforcement or class-of-one equal-protection claim because she alleged no suspect classification, discriminatory effect or purpose, differential treatment from similarly situated persons, or absence of a rational basis.
5. The South Dakota State Women's Prison is an arm of the State of South Dakota and is immune from the plaintiffs' § 1983 claims under the Eleventh Amendment, including claims seeking injunctive relief.

KEY QUOTATIONS

“In no event shall a prisoner be prohibited from bringing a civil action . . . for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee.” (at 6)

“A suit against a government officer in his official capacity is functionally equivalent to a suit against the employing governmental entity.” (at 13)

“[A] state prisoner’s § 1983 action is barred (absent prior invalidation)—no matter the relief sought (damages or equitable relief), no matter the target of the prisoner’s suit (state conduct leading to conviction or internal prison proceedings)—if success in that action would necessarily demonstrate the invalidity of confinement or its duration.” (at 15)

“A selective-enforcement claim requires proof that the officer exercised their discretion to enforce the laws on account of the plaintiff’s race, nationality, or other suspect classification and that enforcement of the law had a discriminatory effect and purpose.” (at 17)

FACTUAL BACKGROUND

Rochelle alleged that public defenders were late on cases, provided incorrect information, failed to inform her of court dates, and acted unprofessionally. She also alleged that South Dakota officials and law-enforcement personnel subjected her to arrests, harassment, and repeated traffic stops, and that her prior sentences involved excessive punishment. Rochelle and LaChara alleged that the South Dakota State Women's Prison withheld mail between relatives and required approval or background checks for inmate correspondence. Rochelle sought suspension or discipline of public defenders and generally requested freedom from future civil-rights violations; the Bordeaux plaintiffs sought removal of the prison's mail-approval requirements.

PROCEDURAL HISTORY

Rochelle Rowane Bordeaux filed three pro se complaints in the District of South Dakota, and LaChara Marie Bordeaux filed a fourth complaint arising from the same series of events. The court consolidated LaChara's complaint with Rochelle's complaint for screening. The court granted the motions to proceed in forma pauperis, waived the initial partial filing fees, directed collection of the statutory filing-fee installments, and dismissed the claims in part with prejudice and in part without prejudice.

DISPOSITION

dismissed

CASES CITED

- *Monroe v. Yankton Sioux Housing Authority*, No. 4:25-CV-04113-ECS, 2025 WL 1795824, at *2 (D.S.D. June 30, 2025)
- *Clay v. Purkett*, No. 06-CV-1859, 2007 WL 107758, at *1 (E.D. Mo. Jan. 9, 2007)
- *Ortiz-Diaz v. Social Security*, No. 17-CV-7532, 2018 WL 791256, at *2 (E.D.N.Y. Feb. 7, 2018)
- *Carson v. Tulsa Police Department*, 266 F. App'x 763, 766-67 (10th Cir. 2008)

- 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)
- Domino v. Garland, No. 20-CV-2583, 2021 WL 1221188, at *1 & n.3 (D. Minn. Apr. 1, 2021)
- Counts v. Missouri, No. 4:24-CV-01437-MTS, 2025 WL 812276, at *3 (E.D. Mo. Mar. 13, 2025)
- McFee v. Minnesota, No. 11-3614, 2012 WL 514708, at *3 nn.5-6 (D. Minn. Jan. 24, 2012)
- Williams v. Doe #1, No. 4:06CV1344, 2006 WL 3804027, at *1 n.1 (E.D. Mo. Nov. 7, 2006)
- Clark v. Wood, No. 4:20-CV-1215-JAR, 2021 WL 1873561, at *1 (E.D. Mo. May 10, 2021)
- Dale v. Kaemingk, No. 4:15-CV-04103-RAL, 2015 WL 6823536, at *1-2 (D.S.D. Nov. 5, 2015)
- Est. of Rosenberg v. Crandell, 56 F.3d 35, 36 (8th Cir. 1995)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam)
- 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 (8th Cir. 1993) (per curiam)
- Parker v. Porter, 221 F. App'x 481, 482 (8th Cir. 2007)
- Beavers v. Lockhart, 755 F.2d 657, 663 (8th Cir. 1985)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Abdullah v. Minnesota, 261 F. App'x 926, 927 (8th Cir. 2008) (per curiam)
- Veatch v. Bartels Lutheran Home, 627 F.3d 1254, 1257 (8th Cir. 2010)
- Monell v. Department of Social Services, 436 U.S. 658, 694 (1978)
- Mencin v. City of Troy Police, No. 4:24-CV-852, 2024 WL 4370846, at *3 (E.D. Mo. Oct. 2, 2024)
- Topchian v. JPMorgan Chase Bank, N.A., 760 F.3d 843, 848 (8th Cir. 2014)
- Brown v. Montoya, 662 F.3d 1152, 1161 n.5 (10th Cir. 2011)
- Community Mental Health Services v. Mental Health & Recovery Board, 150 F. App'x 389, 401 (6th Cir. 2005)
- Graham v. Florida, Graham v. Florida, 560 U.S. 48, 59 (2010)
- Heck v. Humphrey, 512 U.S. 477, 486 (1994)
- Wilkinson v. Dotson, 544 U.S. 74, 77, 81-82 (2005)
- Edwards v. Balisok, 520 U.S. 641, 648 (1997)
- Johnson v. Crooks, 326 F.3d 995, 999-1000 (8th Cir. 2003)
- Parada v. Anoka County, 481 F. Supp. 3d 888, 899 (D. Minn. 2020)
- Village of Willowbrook v. Olech, 528 U.S. 562, 564 (2000) (per curiam)

- Mathers v. Wright, 636 F.3d 396, 399 (8th Cir. 2011)
- Wilson v. City of Clayton, No. 4:24-CV-1457-ZMB, 2026 WL 657485, at *7 (E.D. Mo. Mar. 9, 2026)
- Flowers v. City of Minneapolis, 558 F.3d 794, 799-800 (8th Cir. 2009)
- Weiler v. Purkett, 137 F.3d 1047, 1050 (8th Cir. 1998)
- Turner v. Safley, 482 U.S. 78, 89 (1987)
- Thongvanh v. Thalacker, 17 F.3d 256, 259 (8th Cir. 1994)
- Cory v. White, 457 U.S. 85, 90-91 (1982)
- Greenwood v. Ross, 778 F.2d 448, 453 (8th Cir. 1985)
- Thornton v. Department of Corrections, No. 4:23-CV-04215-CCT, 2024 WL 4787875, at *2 (D.S.D. Nov. 14, 2024)

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