

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA

Lewis v. Indiana National Guard

No. 1:26-cv-00592-JRO-MG (S.D. Ind. Apr. 3, 2026) · No. 1:26-cv-00592-JRO-MG · Decided April 3, 2026

SUMMARY

The United States District Court for the Southern District of Indiana grants Jahlil J. Lewis’s motion to proceed in forma pauperis. The court dismisses his complaint against the Indiana National Guard without prejudice as factually frivolous and for lack of subject-matter jurisdiction, while ordering him to show cause by April 23, 2026, why final judgment should not issue and warning of possible filing restrictions.

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana
WRITING FOR THE COURT	Justin R. Olson
JURISDICTION	United States District Court for the Southern District of Indiana
DECIDED	April 3, 2026
DOCKET	1:26-cv-00592-JRO-MG
DISPOSITION	dismissed
PROCEDURAL POSTURE	The court granted Plaintiff leave to proceed in forma pauperis and screened his complaint under 28 U.S.C. § 1915(e)(2)(B). The court dismissed the complaint without prejudice as factually frivolous for lack of subject-matter jurisdiction and ordered Plaintiff to show cause why final judgment should not issue.
STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915(e)(2)(B); the court must dismiss an in forma pauperis complaint that is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Jahlil J. Lewis v. Indiana National Guard

TOPICS

- subject matter jurisdiction
- civil procedure
- pleadings

PRACTICE AREAS

civil rights

federal civil procedure

in forma pauperis proceedings

subject-matter jurisdiction

QUESTIONS PRESENTED

1. Whether Plaintiff qualified to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1).
2. Whether the complaint was subject to dismissal at screening under 28 U.S.C. § 1915(e)(2)(B) because its allegations were factually frivolous.
3. Whether a factually frivolous complaint invokes federal subject-matter jurisdiction and, if not, whether dismissal should be without prejudice.

HOLDINGS

1. Plaintiff's motion to proceed in forma pauperis was granted because his submission met the statutory standard for demonstrating an inability to prepay the filing fee.
2. The complaint was factually frivolous and subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) because its allegations were delusional and rose to the level of the irrational or wholly incredible.
3. Because the complaint was factually frivolous, it did not invoke federal subject-matter jurisdiction, and dismissal was necessarily without prejudice.

KEY QUOTATIONS

“Respectfully, Plaintiff’s factual allegations are not merely “unlikely” or “improbable” but fit the category of delusions.” (III. DISCUSSION)

“His complaint, dkt. [1], is factually frivolous and therefore DISMISSED without prejudice for lack of subject-matter jurisdiction.” (IV. CONCLUSION)

FACTUAL BACKGROUND

Plaintiff alleged that various groups and law-enforcement personnel had been getting into his head, drugging him, sexually assaulting him while he slept, and using an algorithm or puppeteers to control his body. He also alleged related experiences involving mental-health hospitals, emergency rooms, medication side effects, loss of gun rights, and communications with the FBI and Indiana National Guard. The court found that these allegations were delusional and factually frivolous.

PROCEDURAL HISTORY

Lewis filed a pro se civil-rights complaint against the Indiana National Guard and moved to proceed in forma pauperis. The district court granted in forma pauperis status, screened the complaint, determined that the allegations were factually frivolous and did not invoke subject-matter jurisdiction, dismissed the complaint without prejudice, and allowed Plaintiff until April 23, 2026, to show cause why final judgment should not be entered.

DISPOSITION

dismissed

CASES CITED

- Robbins v. Switzer, 104 F.3d 895, 898 (7th Cir. 1997)
- Arnett v. Webster, 658 F.3d 742, 751 (7th Cir. 2011)
- Neitzke v. Williams, 490 U.S. 319, 325 (1989)
- Denton v. Hernandez, 504 U.S. 25, 32-33 (1992)
- Gladney v. Pendleton Corr. Facility, 302 F.3d 773, 774 (7th Cir. 2002)
- Lewis v. Smith, 1:26-cv-00498-JRO-MKK, Dkt. 7 (S.D. Ind. Mar. 23, 2026)
- Steel Co. v. Citizens for a Better Env't, 523 U.S. 83, 89 (1998)
- Lauderdale-El v. Ind. Parole Bd., 35 F.4th 572, 576 (7th Cir. 2022)
- Montgomery v. Davis, 362 F.3d 956, 957 (7th Cir. 2004)
- In re McDonald, 489 U.S. 180, 184 (1989)
- Support Sys. Int'l v. Mack, 45 F.3d 185, 186 (7th Cir. 1995)

OPINION

LEWIS

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF INDIANA

INDIANAPOLIS DIVISION

JAHLIL J. LEWIS,)

) Plaintiff,)) v.) No. 1:26-cv-00592-JRO-MG)

INDIANA NATIONAL GUARD,)

) Defendant.)

ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS AND

DISMISSING COMPLAINT

This matter is before the Court on pro se Plaintiff Jahlil J. Lewis's motion for leave to proceed in forma pauperis. Dkt. [2]. Because the Court GRANTS Plaintiff's motion to proceed without prepayment of fees, his complaint is subject to screening pursuant to 28 U.S.C. § 1915(e)(2)(B). For the reasons set forth below, the Court DISMISSES the complaint as factually frivolous and ORDERS Plaintiff to SHOW CAUSE by April 23, 2026, why final judgment should not issue against him. I.

MOTION TO PROCEED IN FORMA PAUPERIS

The Court may authorize a plaintiff to file a lawsuit "without prepayment of fees" if the plaintiff "submits an affidavit" demonstrating that he lacks the assets to pay the filing fee at this time. 28 U.S.C. § 1915(a)(1). Plaintiff's motion, dkt. [2], meets this standard and is GRANTED

accordingly. While in forma pauperis status allows a plaintiff to proceed without pre-paying the filing fee, the plaintiff remains liable for the full fees. “[A]ll § 1915(a) does for any litigant is excuse the pre-payment of fees. Unsuccessful litigants are liable for fees and costs and must pay when they are able.” *Robbins v. Switzer*, 104 F.3d 895, 898 (7th Cir. 1997)). The filing fee for in forma pauperis litigants is \$350.00. No payment is due at this time, but the \$350.00 balance remains due and owing. II.

SCREENING STANDARD

When a plaintiff is granted in forma pauperis status, the Court has an obligation to screen the complaint for legal sufficiency. 28 U.S.C. § 1915(e)(2)(B). At screening, the Court must dismiss the complaint if it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary damages against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B). The Court “construe[s] pro se complaints liberally and hold[s] them to a less stringent standard than formal pleadings drafted by lawyers.” *Arnett v. Webster*, 658 F.3d 742, 751 (7th Cir. 2011). A complaint is “frivolous” if it “lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Dismissal for “factual frivolousness” is appropriate where the facts alleged are “clearly baseless,” “fanciful,” “fantastic,” or “delusional.” *Denton v. Hernandez*, 504 U.S. 25, 32–33

(1992). In other words, factually frivolous allegations are not merely “unlikely” or “improbable” but “rise to the level of the irrational or the wholly incredible.” *Id.* at 33; see also *Gladney v. Pendleton Corr. Facility*, 302 F.3d 773, 774 (7th Cir. 2002) (“Sometimes . . . a suit is dismissed because the facts alleged in the complaint are so nutty (‘delusional’ is the polite word) that they’re unbelievable, even though there has been no evidentiary hearing to determine their truth or falsity.”). III.

DISCUSSION

The Court finds that Plaintiff’s complaint must be dismissed as factually frivolous. That result should not come as a surprise to Plaintiff, as the Court previously dismissed a nearly identical complaint of his as factually frivolous in a separate matter. See *Lewis v. Smith*, 1:26-cv-00498-JRO-MKK, Dkt. 7 (S.D. Ind. Mar. 23, 2026). Here, Plaintiff sues the Indiana National Guard, but the allegations are the same as his previous suit. Plaintiff has “complain[ed] to law enforcement . . . frequently” about his “ongoing issue,” including the Indiana National Guard. Dkt. 1 at 4. As best the Court can tell, that “ongoing issue” is reflected in the following allegations: • Different groups of people were “getting into his head” in 2013 and 2017, and it “seemed like” someone drugged him to sleep in 2020. • He has been experiencing “side effects” from medicine he received after his mother took him to a behavioral health hospital in 2021. • He has since been “stuck at mental hospitals a few times,” “visited emergency rooms,” and lost his “gun rights” and a “good serving job.” • He “reached out the FBI . . . in 2021 about somebody poking [his] nipple while sleeping.” He also reached out to the FBI in 2023 “to complain again about people messing with [him] and [his] hair while sleeping and someone puppeteering their way into [his] apartment to sexually

assault [him].” • He “[c]alled the Indiana Guards Anti-Terrorism line and left a message about people being terrorist to [him], and that impacts [him] and [his] health and life and is terrible to go through.” • The FBI and police (and maybe their family and friends) “keep getting in [his] head and letting others give [him] drugs” in retaliation “for [his] initial complaint to the FBI about being poked in the nipple while sleeping.” • The drugs “are not good for [his] health” and are “turning [his] brain off and letting an algorithm or group of puppeteers steal [his] body.” Dkt. 1 at 4. Respectfully, Plaintiff’s factual allegations are not merely “unlikely” or “improbable” but fit the category of delusions. *Denton*, 504 U.S. at 33. The complaint is therefore frivolous and properly dismissed at screening. Because a frivolous complaint does not invoke the Court’s subject-matter jurisdiction, Plaintiff’s complaint is necessarily dismissed without prejudice. *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 89 (1998) (explaining that “wholly insubstantial and frivolous” claims “do[] not implicate subject-matter jurisdiction, i.e., the courts’ statutory or constitutional power to adjudicate the case”); *Lauderdale-El v. Ind. Parole Bd.*, 35 F.4th 572, 576 (7th Cir. 2022) (“Dismissals for lack of subject-matter jurisdiction are necessarily without prejudice”) IV.

CONCLUSION

Plaintiff’s motion for leave to proceed in forma pauperis, dkt. [2], is GRANTED. His complaint, dkt. [1], is factually frivolous and therefore DISMISSED without prejudice for lack of subject-matter jurisdiction. Plaintiff shall have through April 23, 2026, to SHOW CAUSE why final judgment should not issue due to his failure to establish a basis for the Court’s subject-matter jurisdiction. Additionally, the Court has a duty to deter frivolous filings. See *Montgomery v. Davis*, 362 F.3d 956, 957 (7th Cir. 2004) (“Every paper filed... no matter how repetitious or frivolous, requires some portion of the institution’s limited resources. A part of the Court’s responsibility is to see that these resources are allocated in a way that promotes the interests of justice.” (quoting *In re McDonald*, 489 U.S. 180, 184 (1989))). Frivolous filing behavior cannot be tolerated, and “[t]he judicial authority to curb it is ample.” *Support Sys. Int’l v. Mack*, 45 F.3d 185, 186 (7th Cir. 1995) (collecting cases). The Court warns Plaintiff that this pattern of litigation must stop, or he risks filing restrictions. If Plaintiff continues to file frivolous pleadings, the Court will restrict him from filing new actions or motions in this Court and may elect to assess fines against him. SO ORDERED. Date: 4/3/2026 Justin R. Olson United States District Judge Southern District of Indiana Distribution: All ECF-registered counsel of record via email

JAHLIL J. LEWIS

6225 N. Rural St. Indianapolis, IN 46220