UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Christopher Tahchawwickah v. Angie Davis, et al.

Tahchawwickah · No. 26-3103-JWL · Decided April 29, 2026

SUMMARY

The United States District Court for the District of Kansas ordered pro se plaintiff Christopher Tahchawwickah to show cause why his 42 U.S.C. § 1983 action should not be dismissed. The court concluded that the alleged denial of mental health medication in 2023 appeared barred by Kansas's two-year statute of limitations and directed plaintiff to respond by May 29, 2026. The order was issued by Magistrate Judge James P. O'Hara.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	James P. O'Hara
JURISDICTION	United States District Court for the District of Kansas
DECIDED	April 29, 2026
DOCKET	26-3103-JWL
DISPOSITION	other
PROCEDURAL POSTURE	Pro se prisoner civil-rights action under 42 U.S.C. § 1983; the court issued a memorandum and order requiring plaintiff to show cause why the complaint should not be dismissed as barred by the statute of limitations.
STANDARD OF REVIEW	The court applied the statutory screening standard under 28 U.S.C. § 1915A, accepting well-pleaded allegations as true and liberally construing the pro se complaint, while requiring factual allegations sufficient to state a plausible claim. The court also applied the rule that an affirmative statute-of-limitations defense may be considered sua sponte when the defense is apparent from the face of the complaint and no further factual development is required.
PRECEDENTIAL VALUE	Unknown; memorandum and order to show cause from a federal district court.
PARTIES	Christopher Tahchawwickah v. Angie Davis, Seward County Jail Nurse, Unnamed Employer of Angie Davis

TOPICS

statute of limitations · section 1983 · prisoners rights · civil rights · civil procedure

PRACTICE AREAS

prisoner civil rights · constitutional law · civil procedure · statute of limitations

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed during prisoner screening because the face of the complaint shows that the plaintiff's § 1983 claims are barred by Kansas's two-year statute of limitations.
2. Whether the plaintiff should be required to show cause before dismissal when the complaint does not allege facts supporting statutory or equitable tolling.

HOLDINGS

1. Kansas's two-year statute of limitations for personal-injury actions applies to these § 1983 claims, while federal law determines when the claims accrued.
2. The complaint plainly appeared barred by the applicable two-year statute of limitations because the alleged violations occurred in 2023 and the complaint was filed on April 28, 2026.

KEY QUOTATIONS

> *"A § 1983 action accrues when facts that would support a cause of action are or should be apparent."* (at 1258)

> *"district court may consider affirmative defenses sua sponte when the defense is obvious from the face of the complaint and no further factual record is required to be developed."* (at 674-75)

FACTUAL BACKGROUND

Christopher Tahchawwickah alleged that Nurse Angie Davis denied him mental-health medication several times while he was confined at the Seward County Jail in Liberal, Kansas. He alleged that two denials occurred before he submitted a medical grievance and asserted negligence, medical malpractice, and an Eighth Amendment violation. The alleged events occurred in 2023, while the complaint was filed on April 28, 2026.

PROCEDURAL HISTORY

Plaintiff filed a complaint alleging that Nurse Angie Davis denied him mental-health medication while he was housed at the Seward County Jail in 2023. He previously attempted to join the claims in Scott v. Ward, Case No. 24-3095-JWB-GEB, but that motion was denied. After screening the complaint under 28 U.S.C. § 1915A, the court concluded that the claims appeared time-barred and granted plaintiff until May 29, 2026, to show good cause why the action should not be dismissed.

DISPOSITION

other

CASES CITED

- West v. Atkins, 487 U.S. 42, 48 (1988)
- Northington v. Jackson, 973 F.2d 1518, 1523 (10th Cir. 1992)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Anderson v. Blake, 469 F.3d 910, 913 (10th Cir. 2006)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 558, 570 (2007)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Nasious v. Two Unknown B.I.C.E. Agents, 492 F.3d 1158, 1163 (10th Cir. 2007)
- Whitney v. New Mexico, 113 F.3d 1170, 1173-74 (10th Cir. 1997)
- Kay v. Bemis, 500 F.3d 1214, 1218 (10th Cir. 2007)
- Smith v. United States, 561 F.3d 1090, 1098 (10th Cir. 2009)
- Robbins v. Oklahoma, 519 F.3d 1242, 1247 (10th Cir. 2008)
- Hardin v. Straub, 490 U.S. 536, 539 (1989)
- Brown v. Unified Sch. Dist. 501, Topeka Pub. Sch., 465 F.3d 1184, 1188 (10th Cir. 2006)
- Wallace v. Kato, 549 U.S. 384, 388 (2007)
- Fogle v. Pierson, 435 F.3d 1252, 1258-59 (10th Cir. 2006)
- Jones v. Bock, 549 U.S. 199, 214 (2007)
- Scott v. Ward, Case No. 24-3095-JWB-GEB, Doc. 14 (D. Kan. Aug. 26, 2024)
- Hawkins v. Lemons, No. 09-3116-SAC, 2009 WL 2475130, at *2 (D. Kan. Aug. 12, 2009)
- Fratus v. Deland, 49 F.3d 673, 674-75 (10th Cir. 1995)

OPINION

Tahchawwickah
PER CURIAM.
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
CHRISTOPHER TAHCHAWWICKAH,
Plaintiffs,
v. CASE NO. 26-3103-JWL
ANGIE DAVIS, et al., Defendants.
MEMORANDUM AND ORDER TO SHOW CAUSE
Plaintiff Christopher Tahchawwickah is hereby required to show good cause why this action should not be dismissed due to the deficiencies in Plaintiff's Complaint that are discussed herein. I. Nature of the Matter before the Court Plaintiff brings this pro se civil rights case under 42 U.S.C. § 1983. Plaintiff is currently in custody at the Jess Dunn Correctional Center in Taft,

Oklahoma. The Court granted Plaintiff leave to proceed in forma pauperis. Plaintiff alleges that Nurse Angie Davis denied Plaintiff mental health medication "several times" while he was housed at the Seward County Jail in Liberal, Kansas ("SCJ"). (Doc. 1, at 1– 2, 5.) Plaintiff claims that he was denied medication twice before writing a medical grievance against Defendant. Id. at 2. Plaintiff claims negligence, medical malpractice, and an Eighth Amendment violation. Id. at 5–6. Plaintiff states that he filed a motion attempting to join Case No. 24-3095, and is now filing a pro se suit against the Defendants. Id. at 3. Plaintiff names as defendants Angie Davis, SCJ Nurse, and (fnu)(lnu) Unnamed Employer of Angie Davis. Plaintiff seeks $5,000,000 in damages. Id. at 4, 9. II. Statutory Screening of Prisoner Complaints The Court is required to screen complaints brought by prisoners seeking relief against a governmental entity or an officer or an employee of a governmental entity. 28 U.S.C. § 1915A(a). The Court must dismiss a complaint or portion thereof if a plaintiff has raised claims that are legally frivolous or malicious, that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1)–
(2).

"To state a claim under § 1983, a plaintiff must allege the violation of a right secured by the Constitution and laws of the United States, and must show that the alleged deprivation was committed by a person acting under color of state law." West v. Atkins, 487 U.S. 42, 48 (1988) (citations omitted); Northington v. Jackson, 973 F.2d 1518, 1523 (10th Cir. 1992). A court liberally construes a pro se complaint and applies "less stringent standards than formal pleadings drafted by lawyers." Erickson v. Pardus, 551 U.S. 89, 94 (2007). In addition, the court accepts all well-pleaded allegations in the complaint as true. Anderson v. Blake, 469 F.3d 910, 913 (10th Cir. 2006). On the other hand, "when the allegations in a complaint, however true, could not raise a claim of entitlement to relief," dismissal is appropriate. Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 558 (2007). A pro se litigant's "conclusory allegations without supporting factual averments are insufficient to state a claim upon which relief can be based." Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991). "[A] plaintiff's obligation to provide the 'grounds' of his 'entitlement to relief' requires "more than labels and conclusions, and a formulaic recitation of the elements of a cause of action." Twombly, 550 U.S. at 555 (citations omitted). The complaint's "factual allegations must be enough to raise a right to relief above the speculative level" and "to state a claim to relief that is plausible on its face." Id. at 555, 570. The Tenth Circuit Court of Appeals has explained "that, to state a claim in federal court, a complaint must explain what each defendant did to [the pro se plaintiff]; when the defendant did it; how the defendant's action harmed [the plaintiff]; and, what specific legal right the plaintiff believes the defendant violated." Nasious v. Two Unknown B.I.C.E. Agents, 492 F.3d 1158, 1163 (10th Cir. 2007). The court "will not supply additional factual allegations to round out a plaintiff's complaint or construct a legal theory on a plaintiff's behalf." Whitney v. New Mexico, 113 F.3d 1170, 1173-74 (10th Cir. 1997) (citation omitted). The Tenth Circuit has pointed out that the Supreme Court's decisions in Twombly and

Erickson gave rise to a new standard of review for § 1915(e)(2)(B)(ii) dismissals. See Kay v. Bemis, 500 F.3d 1214, 1218 (10th Cir. 2007) (citations omitted); see also Smith v. United States, 561 F.3d 1090, 1098 (10th Cir. 2009). As a result, courts "look to the specific allegations in the complaint to determine whether they plausibly support a legal claim for relief." Kay, 500 F.3d at 1218 (citation omitted). Under this new standard, "a plaintiff must 'nudge his claims across the line from conceivable to plausible.'" Smith, 561 F.3d at 1098 (citation omitted). "Plausible" in this context does not mean "likely to be true," but rather refers "to the scope of the allegations in a complaint: if they are so general that they encompass a wide swath of conduct, much of it innocent," then the plaintiff has not "nudged [his] claims across the line from conceivable to plausible." Robbins v. Oklahoma, 519 F.3d 1242, 1247 (10th Cir. 2008) (citing Twombly, 127 S. Ct. at 1974).

III. DISCUSSION

Plaintiff states in his Complaint that he attempted to join his claims in Case No. 24-3095. In his motion to join that case, Plaintiff states that Angie Davis denied him mental health medications at the Seward County Jail in 2023. See Scott v. Ward, Case No. 24-3095-JWB-GEB, Doc. 14 (D. Kan. Aug. 26, 2024). Plaintiff's motion to join was denied on September 5, 2024. Id. at Doc. 15. The statute of limitations applicable to § 1983 actions is determined from looking at the appropriate state statute of limitations and tolling principles. See Hardin v. Straub, 490 U.S. 536, 539 (1989). "The forum state's statute of limitations for personal injury actions governs civil rights claims under both 42 U.S.C. § 1981 and § 1983. . . . In Kansas, that is the two-year statute of limitations in Kan. Stat. Ann. § 60–513(a)." Brown v. Unified Sch. Dist. 501, Topeka Pub. Sch., 465 F.3d 1184, 1188 (10th Cir. 2006) (citations omitted). While state law governs the length of the limitations period and tolling issues, "the accrual date of a § 1983 cause of action is a question of federal law." Wallace v. Kato, 549 U.S. 384, 388 (2007). Under federal law, the claim accrues "when the plaintiff has a complete and present cause of action." Id. (internal quotation marks and citation omitted). In other words, "[a] § 1983 action accrues when facts that would support a cause of action are or should be apparent." Fogle v. Pierson, 435 F.3d 1252, 1258 (10th Cir. 2006) (internal quotation marks and citation omitted), cert. denied 549 U.S. 1059 (2006). A district court may dismiss a complaint filed by an indigent plaintiff if it is patently clear from the allegations as tendered that the action is barred by the statute of limitations. Id. at 1258–59; see also Jones v. Bock, 549 U.S. 199, 214 (2007); Hawkins v. Lemons, No. 09-3116-SAC, 2009 WL 2475130, at *2 (D. Kan. Aug. 12, 2009). It plainly appears from the face of the Complaint that Plaintiff's claims are subject to dismissal as barred by the applicable two-year statute of limitations. Plaintiff filed his Complaint on April 28, 2026. Plaintiff's alleged violations occurred in 2023. It thus appears that any events or acts of Defendants taken in connection with Plaintiff's claims took place more than two years prior to the filing of Plaintiff's Complaint and are time-barred. See Fratus v. Deland, 49 F.3d 673, 674-75 (10th Cir. 1995) (district court may consider affirmative defenses sua sponte when the defense is obvious from the face of the complaint and no further factual record is required to be developed). Plaintiff has not alleged facts suggesting that he would be entitled to statutory or equitable tolling. Plaintiff should show good cause why his claims should not be dismissed as barred by the statute of limitations. IV. Response Required Plaintiff is required to show good cause why his Complaint should not be dismissed as barred by the applicable statute of limitations. Failure to respond by the deadline may result in dismissal of this matter without further notice. IT IS THEREFORE ORDERED that Plaintiff is granted until May 29, 2026, in which to show good cause, the in writing to the Honorable John W. Lungstrum, United States District Judge, why Plaintiff's Complaint should not be dismissed for the reasons stated herein. IT IS SO ORDERED. Dated April 29, 2026, in Kansas City, Kansas. S/ James P. O'Hara

JAMES P. O'HARA

UNITED STATES MAGISTRATE JUDGE

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