

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Allen Dean Washburn v. Tina Miller

Washburn v. Miller · No. 26-3021-JWL · Decided February 9, 2026

SUMMARY

The court stays the defendant's deadline to answer or otherwise respond while it screens a prisoner complaint under 28 U.S.C. § 1915A. The action was removed from Kansas state court to the United States District Court for the District of Kansas, and the order directs that a further order will issue after screening is complete.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	February 9, 2026
DOCKET	26-3021-JWL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed the action in Kansas state court. Defendant removed it to the United States District Court for the District of Kansas, after which the court addressed the applicability of prisoner-complaint screening and stayed the answer deadline.
PRECEDENTIAL VALUE	Nonprecedential memorandum and order
PARTIES	Allen Dean Washburn v. Tina Miller

TOPICS

prisoners rightscivil procedure

PRACTICE AREAS

Civil procedurePrisoner civil rights

QUESTIONS PRESENTED

1. Whether a prisoner's complaint removed from state court is subject to screening under 28 U.S.C. § 1915A.

2. Whether the defendant's deadline to answer or otherwise respond should be stayed pending completion of the federal screening process.

HOLDINGS

1. A prisoner's complaint seeking redress from a governmental entity or a governmental officer or employee is subject to screening under 28 U.S.C. § 1915A even when the action was removed from state court.
2. The defendant's deadline to answer or otherwise respond to the complaint is stayed pending further order of the court.

KEY QUOTATIONS

“The Court shall review . . . as soon as practical after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.”

(Memorandum and Order, at 1)

FACTUAL BACKGROUND

Plaintiff was incarcerated at the Saline County Jail in Salina, Kansas. He filed the action in state court, and the action was removed to the District of Kansas. The complaint sought redress from a governmental entity or an officer or employee of a governmental entity.

PROCEDURAL HISTORY

Plaintiff filed the action on January 13, 2026, in the District Court of Saline County, Kansas. The matter was removed to federal court on February 6, 2026, under 28 U.S.C. §§ 1441 and 1446. Because Plaintiff was incarcerated and sought redress from a governmental entity or governmental officer or employee, the court determined that the complaint was subject to screening under 28 U.S.C. § 1915A and stayed Defendant's answer deadline pending screening.

DISPOSITION

other

CASES CITED

- Crosby v. U.S. Attorney's Office, 2020 WL 1271825, at *3 (D. Kan. 2020)
- King v. Hill, 2022 WL 1185124, at *3 (S.D. Ill. 2022)
- Biron v. Carvajal, 2021 WL 3047250, at *35 (D. Minn. 2021)
- Johnson v. Bedwell, 2017 WL 4539918, at *1 (S.D. Ind. 2017)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS ALLEN DEAN WASHBURN, Plaintiff, v. CASE NO. 26-3021-JWL TINA MILLER, Defendant.

MEMORANDUM AND ORDER Plaintiff filed this action on January 13, 2026, in the District Court of Saline County, Kansas. (Doc. 1–2.)

The matter was removed to this Court on February 6, 2026, pursuant to 28 U.S.C. §§ 1441 and 1446. (Doc. 1.) Plaintiff is in custody at the Saline County Jail in Salina, Kansas. Plaintiff filed this action in state court, and Defendants removed the action to this Court.

Because Plaintiff is a prisoner and his Complaint seeks redress from a governmental entity or officer or employee of a governmental entity, it is subject to screening under 28 U.S.C. § 1915A. See 28 U.S.C. § 1915A(a) (“The Court shall review... as soon as practical after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.”); see also *Crosby v. U.S. Attorney’s Office*, 2020 WL 1271825, at *3 (D.

Kan. 2020) (screening amended complaint after removal from state court); *King v. Hill*, 2022 WL 1185124, at *3 (S.D. Ill. 2022) (finding that claims properly removed to the federal court were subject to screening under Section 1915A); *Biron v. Carvajal*, 2021 WL 3047250, at *35 (D. Minn. 2021) (stating that “the Court agrees with Defendants that cases removed from state court are subject to screening under § 1915A” and “courts in this District have done so”); *Johnson v. Bedwell*, 2017 WL 4539918, at *1 (S.D.

Ind. 2017) (“Although the filing fee was paid at the time this action was removed to this Court, this action is still subject to screening under 28 U.S.C. § 1915A.”). The Court stays the answer deadline pending this Court’s screening of Plaintiff’s Complaint under § 1915A.

The Court will enter an order after screening is complete. IT IS THEREFORE ORDERED BY THE COURT that the deadline for Defendant to answer or otherwise respond to the Complaint is stayed pending further order of the Court. IT IS SO ORDERED. Dated February 9, 2026, in Kansas City, Kansas. S/ John W. Lungstrum JOHN W. LUNGSTRUM UNITED STATES DISTRICT JUDGE