

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.

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

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