FILED
U.S. District Court
District of Kansas
09/30/2026
Clerk, U.S. District Court
By: SND Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

LARRY E. GATLIN, III,

Plaintiff,

v. **CASE NO. 26-3354-JWL**

BRENNON BORGERSTOCK, et al.,

Defendants.

MEMORANDUM AND ORDER

Plaintiff filed this civil action on August 10, 2026 in the District Court of Johnson County, Kansas. (Doc. 1-2, p. 1.) It was removed to this Court by Defendant Brennon Borgerstock on September 23, 2026, pursuant to 28 U.S.C. §§ 1441 and 1446. (Doc. 1.) Plaintiff is in custody at the Wyandotte County Detention Center in Kansas City, Kansas. On September 29, 2026, Defendants Shane Adams and Kyle McCullough obtained a Clerk's order extending the time in which to file their responsive pleading to Plaintiff's complaint. (Doc. 5.)

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 Defendants to file an answer or responsive pleading is stayed. The Court will conduct the statutorily required screening of the complaint and issue an order after screening is complete.

IT IS SO ORDERED.

Dated September 30, 2026, in Kansas City, Kansas.

S/ John W. Lungstrum
JOHN W. LUNGSTRUM
UNITED STATES DISTRICT JUDGE