

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Cornell J. Wigfall, Sr. a/k/a Cornell Wigfall, #2022081307, a/k/a
Cornell Jermaine Wigfall v. James C. White

No. 2:23-cv-05980-TMC (D.S.C. Dec. 22, 2025) · No. 2:23-cv-05980-TMC · Decided December 22, 2025

SUMMARY

The United States District Court for the District of South Carolina overruled Cornell J. Wigfall’s objections to a magistrate judge’s report and recommendation. The court held that Wigfall failed to state a cognizable Bivens claim concerning the search and seizure of a package, alleged falsification of evidence, and his arrest pursuant to a federal warrant. The action was dismissed with prejudice and without issuance and service of process.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Timothy M. Cain
JURISDICTION	United States District Court for the District of South Carolina, Charleston Division
DECIDED	December 22, 2025
DOCKET	2:23-cv-05980-TMC
DISPOSITION	affirmed
PROCEDURAL POSTURE	Review of magistrate judge's report and recommendation to dismiss prisoner civil rights complaint for failure to state a claim.
STANDARD OF REVIEW	De novo for specific objections; clear error for portions not objected to.
PRECEDENTIAL VALUE	Unpublished

TOPICS

- section 1983
- qualified immunity
- civil rights
- fourth amendment
- search and seizure
- due process
- cruel and unusual punishment
- prisoners rights
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the plaintiff stated a cognizable Bivens claim for a Fourth Amendment violation related to the search and seizure of a package.
2. Whether the plaintiff stated a cognizable Bivens claim for Fifth Amendment due process or takings violations.
3. Whether the plaintiff stated a cognizable Bivens claim for an Eighth Amendment violation related to his arrest.
4. Whether the plaintiff stated a cognizable Bivens claim for a Fourteenth Amendment violation.
5. Whether the plaintiff stated a cognizable Bivens claim for a Fourth Amendment violation related to his arrest.

HOLDINGS

1. The plaintiff failed to state a cognizable Bivens claim for a Fourth Amendment violation related to the search and seizure because the claim involves searches and a seizure conducted with a warrant, which implicates a distinct Fourth Amendment guarantee meaningfully different from the one at issue in Bivens itself.
2. The plaintiff's claims pursuant to the Fifth Amendment are not cognizable under Bivens. The due process claim fails for the same reasons as the Fourth Amendment claim (new context, special factors). The takings claim fails because the plaintiff did not allege any private property was taken for public use.
3. The plaintiff cannot state an Eighth Amendment claim for conduct related to his arrest because the Eighth Amendment's protections do not attach until after a conviction and sentence.
4. The plaintiff's claim brought pursuant to the Fourteenth Amendment must be dismissed because the Fourteenth Amendment is implicated only when there is state action, and the defendant was acting under color of federal law.
5. Any Fourth Amendment claim related to the plaintiff's arrest is subject to summary dismissal because it presents a new Bivens context and special factors counsel against extending Bivens.

KEY QUOTATIONS

“What Bivens involved was the Fourth Amendment right to be free of unreasonable warrantless searches and seizures; this case, by contrast, involves searches and a seizure conducted with a warrant. It thus implicates a distinct Fourth Amendment guarantee.” (ECF No. 15 at 4)

“the ‘right at issue’ here is meaningfully different from the one at issue in Bivens itself.” (ECF No. 15 at 4)

“Recognizing any new Bivens action entails substantial social costs, including the risk that fear of personal monetary liability and harassing litigation will unduly inhibit officials in the discharge of their duties.”
(Egbert v. Boule, 596 U.S. at 499)

FACTUAL BACKGROUND

Plaintiff alleged that in 2019, Defendant, a Task Force Officer with the DEA, was inspecting parcels at a FedEx Center. A K9 alerted to a suspicious package, leading to a search warrant and the discovery of illegal narcotics. Plaintiff claimed Defendant received a tip the day before and that the K9 log contained evidence of falsification (different font, wrong dates, metadata showing creation two years after the incident). Plaintiff was later arrested on a federal warrant related to this incident.

PROCEDURAL HISTORY

Plaintiff, a federal prisoner proceeding pro se and in forma pauperis, filed a complaint pursuant to 42 U.S.C. § 1983 and Bivens. The matter was referred to a magistrate judge, who recommended dismissal with prejudice. Plaintiff filed objections to the Report. The district court reviewed the objections de novo.

DISPOSITION

affirmed

CASES CITED

- Bivens v. Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971)
- Annappareddy v. Pascale, 996 F.3d 120 (4th Cir. 2021)
- Elijah v. Dunbar, 66 F.4th 454 (4th Cir. 2023)
- Orellana v. Godec, 145 F.4th 516 (4th Cir. 2025)
- Egbert v. Boule, 596 U.S. 482 (2022)
- Ziglar v. Abassi, 582 U.S. 120 (2017)
- Carlson v. Green, 446 U.S. 14 (1980)
- Graham v. Connor, 490 U.S. 386 (1989)
- Illinois v. Rodriguez, 497 U.S. 177 (1990)
- Knick v. Twp. of Scott, Pennsylvania, 588 U.S. 180 (2019)
- Rich v. United States, 158 F.Supp.2d 619 (D. Md. 2001)
- Lapp v. United States, 706 F.Supp.3d 568 (E.D. Va. 2023)