

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Steve Emerson v. MD Robert Strehlow, VI

Emerson · No. 8:25-13437-JFA-WSB · Decided January 6, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts a Magistrate Judge’s Report and Recommendation and dismisses Steve Emerson’s 42 U.S.C. § 1983 action without prejudice. The court concludes that allegations concerning surgery and medical treatment, even if construed as medical malpractice or gross negligence, do not establish deliberate indifference to a serious medical need under the Eighth Amendment. The court also dismisses the remaining state-law claims for lack of subject-matter jurisdiction.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Joseph F. Anderson, Jr.
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	January 6, 2026
DOCKET	8:25-13437-JFA-WSB
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending summary dismissal of a pro se prisoner's complaint under 28 U.S.C. § 1915(e)(2)(B).
STANDARD OF REVIEW	The district court conducted de novo review of portions of the magistrate judge's Report and Recommendation to which specific objections were made, and clear-error review of unobjected-to portions or portions subject only to general and conclusory objections.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; nonprecedential

TOPICS

- section 1983
- prisoners rights
- subject matter jurisdiction
- civil procedure
- cruel and unusual punishment

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff's allegations that a physician performed an allegedly unauthorized and harmful surgery stated a claim for deliberate indifference to a serious medical need under the Eighth Amendment and 42 U.S.C. § 1983.
2. Whether the district court retained subject matter jurisdiction over Plaintiff's state-law claims after dismissing the federal § 1983 claim.
3. Whether the magistrate judge's Report and Recommendation should be adopted over Plaintiff's objections.

HOLDINGS

1. Allegations amounting to medical malpractice, even when liberally construed, do not state a § 1983 claim for deliberate indifference to a serious medical need absent facts showing a constitutional violation.
2. After dismissal of the federal § 1983 claims, the district court lacked subject matter jurisdiction over the remaining state-law claims because no alternative basis for federal jurisdiction, including diversity jurisdiction, was alleged.
3. The court adopted the Report and Recommendation after finding no clear error in the unobjected-to portions and no error in the portions specifically challenged by Plaintiff.

KEY QUOTATIONS

“Medical malpractice does not become a constitutional violation merely because the victim is a prisoner” (III)

“An objection is specific if it ‘enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties’ dispute.’” (II)

FACTUAL BACKGROUND

Plaintiff, an inmate in the South Carolina Department of Corrections, alleged that he underwent surgery intended to treat a hydrocele. When no hydrocele was found after surgery began, the physician allegedly removed multiple cysts without Plaintiff's consent, causing pain and loss of sexual function. Plaintiff characterized the conduct as deliberate indifference and gross negligence, while the court concluded that the allegations amounted to medical malpractice rather than a constitutional violation.

PROCEDURAL HISTORY

Plaintiff filed a pro se 42 U.S.C. § 1983 action under 28 U.S.C. § 1915 alleging that a physician performed an unauthorized surgery, causing pain and loss of sexual function. The magistrate judge recommended summary dismissal, concluding that the allegations stated, at most, medical-malpractice and state-law claims rather than deliberate indifference under the Eighth Amendment. Plaintiff filed objections, which the district court reviewed

de novo where specific and for clear error otherwise, adopted the Report and Recommendation, and dismissed the complaint without prejudice, without further leave to amend, and without issuance and service of process.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261 (1976)
- Carniewski v. West Virginia Board of Probation & Parole, 974 F.2d 1330 (4th Cir. 1992)
- Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)
- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310, 316 (4th Cir. 2005)
- Dunlap v. TM Trucking of the Carolinas, LLC, No. 0:15-cv-04009-JMC, 2017 WL 6345402, at *5 n.6 (D.S.C. Dec. 12, 2017)
- One Parcel of Real Property Known as 2121 East 30th Street, 73 F.3d 1057, 1059 (10th Cir. 1996)
- Workman v. Perry, No. 6:17-cv-00765-RBH, 2017 WL 4791150, at *1 (D.S.C. Oct. 23, 2017)
- Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)
- Staley v. Norton, No. 9:07-0288-PMD, 2007 WL 821181, at *1 (D.S.C. Mar. 2, 2007)
- Howard v. Secretary of Health and Human Services, 932 F.2d 505, 509 (6th Cir. 1991)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Emerson v. Strehlow, No. 8:25-cv-9752-JFA-WSB (D.S.C.)