

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA, CHARLESTON DIVISION

Samuel Tucker Collins, Jr. v. West Palmetto Holdings, LLC, and
Clarendon County Magistrate Court

Collins · No. 2:26-cv-01107-RMG-MGB · Decided March 20, 2026

SUMMARY

This Report and Recommendation addresses Samuel Tucker Collins, Jr.'s attempted removal of a South Carolina state-court ejectment appeal to federal court. The magistrate judge recommends remand for lack of subject-matter jurisdiction, citing procedural defects, failure to establish federal-question or diversity jurisdiction, and the Rooker-Feldman doctrine. The recommendation also advises dismissing Collins's motions for declaratory, injunctive, and emergency relief as moot or barred by the Anti-Injunction Act.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Charleston Division
JURISDICTION	United States District Court for the District of South Carolina, Charleston Division
DECIDED	March 20, 2026
DOCKET	2:26-cv-01107-RMG-MGB
DISPOSITION	remanded
PROCEDURAL POSTURE	Report and recommendation on a pro se notice of removal purporting to remove a pending South Carolina Court of Appeals eviction appeal and related state-court proceedings.
STANDARD OF REVIEW	The court may review a pro se case sua sponte for standing, federal jurisdiction, and frivolousness, and may sua sponte remand when federal jurisdiction is lacking. The report and recommendation advised that objections would receive de novo review under 28 U.S.C. § 636(b)(1), while absent timely objections the district judge need only review for clear error.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Samuel Tucker Collins, Jr. v. West Palmetto Holdings, LLC,
Clarendon County Magistrate Court

TOPICS

subject matter jurisdiction

eviction

injunctions

appellate jurisdiction

civil procedure

PRACTICE AREAS

civil procedure

federal jurisdiction

removal

real estate litigation

injunctive relief

QUESTIONS PRESENTED

1. Whether Collins could remove his own pending state-court appeal and related eviction proceedings under the federal removal statutes.
2. Whether the federal district court had federal-question jurisdiction over a state-law ejectment action based on new federal claims, defenses, or counterclaims asserted by the removing party.
3. Whether diversity jurisdiction was established when Collins did not allege the citizenship of the members of the defendant limited liability company.
4. Whether the Rooker-Feldman doctrine and the Anti-Injunction Act barred the requested federal review and injunction of the state-court ejectment proceedings.
5. Whether Collins was entitled to declaratory, preliminary, or emergency injunctive relief.

HOLDINGS

1. A state-court litigant may not use the removal statutes to remove his own pending state appellate proceedings, particularly where he does not provide the state-court plaintiff's initial pleading as required by the removal statutes.
2. New federal claims, defenses, counterclaims, or allegations asserted by a removing party cannot create federal-question jurisdiction over an original state-law ejectment action.
3. The removing party failed to establish diversity jurisdiction because he did not allege the citizenship of all members of West Palmetto Holdings, LLC.
4. Even if original federal jurisdiction otherwise existed, the district court could not review or reject the state-court ejectment judgment or grant relief that would require invalidating that judgment.
5. Collins was not entitled to emergency, preliminary, or permanent injunctive relief because he could not show a likelihood of success on the merits, and the requested injunctions were barred by the Rooker-Feldman doctrine and the Anti-Injunction Act.

KEY QUOTATIONS

"Because removal jurisdiction raises significant federalism concerns, [courts] must strictly construe removal jurisdiction." (Discussion)

“a defendant cannot, merely by injecting a federal question into an action that asserts what is plainly a state-law claim, transform the action into one arising under federal law” (Discussion)

“from seeking what in substance would be appellate review of the state judgment in a United States district court.” (Discussion)

“Immediate injunctive relief is “an extraordinary remedy never awarded as of right.”” (Discussion)

FACTUAL BACKGROUND

West Palmetto obtained the subject property through a tax sale and sought ejectment of Collins and other occupants. After a bench trial, the Clarendon County Magistrate Court found that Collins had not shown payment of delinquent taxes and interest or documentation establishing ownership, and issued a Writ of Ejectment. The state circuit court affirmed, and the South Carolina Court of Appeals denied Collins's request to stay execution of the writ. Collins thereafter attempted to remove the state appellate proceedings to federal court, asserting securities-fraud, due-process, and ownership theories.

PROCEDURAL HISTORY

West Palmetto initiated an ejectment proceeding against Collins and other occupants in Clarendon County Magistrate Court, which issued a Writ of Ejectment. The Clarendon County Court of Common Pleas affirmed, and Collins appealed to the South Carolina Court of Appeals. Collins then filed a notice of removal in federal district court, along with motions for declaratory and injunctive relief and an emergency motion to stay execution of the writ. The magistrate judge recommended remand to the South Carolina Court of Appeals for lack of subject matter jurisdiction and dismissal of the motions as moot.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Remand the action to the South Carolina Court of Appeals for lack of subject matter jurisdiction. Dismiss Collins's Motion for Declaratory and Injunctive Relief and Emergency Motion for Temporary Restraining Order and Stay of Writ of Ejectment as moot.

CASES CITED

- Aloe Creme Labs., Inc. v. Francine Co., 425 F.2d 1295, 1296 (5th Cir. 1970)
- Tisdale v. South Carolina Highway Patrol, No. 0:09-cv-1009-HFF-PJG, 2009 WL 1491409, at *1 n.1 (D.S.C. May 11, 2009)
- Hamilton v. United States, No. 2:20-cv-1666-RMG-MHC, 2020 WL 7001153, at *1 (D.S.C. Aug. 11, 2020)
- Brown v. Maynard, No. 1:11-cv-619-SKG, 2011 WL 883917, at *1 (D. Md. Mar. 11, 2011)
- Ross v. Baron, 493 F. App'x 405, 406 (4th Cir. 2012)
- Willy v. Coastal Corp., 503 U.S. 131, 136–37 (1992)

- Home Depot U.S.A., Inc. v. Jackson, 587 U.S. 435, 441 (2019)
- Lett v. Hawkins, 518 F. Supp. 3d 891, 893 (D.S.C.)
- Ellenburg v. Spartan Motors Chassis, Inc., 519 F.3d 192, 196 (4th Cir. 2008)
- Mulcahey v. Columbia Organic Chems. Co., 29 F.3d 148, 151 (4th Cir. 1994)
- Marshall v. Manville Sales Corp., 6 F.3d 229, 232 (4th Cir. 1993)
- Lacayo v. Dalton, No. 24-1480, 2024 WL 5040410, at *1 (4th Cir. Dec. 9, 2024), cert. denied, 145 S. Ct. 2712 (2025)
- Caterpillar Inc. v. Williams, 482 U.S. 386, 399 (1987)
- MacFadyen v. Smith, No. 1:10-cv-2802-WDQ, 2011 WL 1740583, at *3 (D. Md. May 3, 2011)
- Owen Equipment & Erection Co. v. Kroger, 437 U.S. 365, 372–74 (1978)
- Cent. W. Va. Energy Co., Inc. v. Mountain State Carbon, LLC, 636 F.3d 101, 103 (4th Cir. 2011)
- Jennings v. HCR ManorCare Inc., 901 F. Supp. 2d 649, 651 (D.S.C. 2012)
- Chalpin Realty SC LLC v. Jersam Realty Inc., No. 24-1971, 2025 WL 3654605, at *1 (4th Cir. Dec. 17, 2025)
- Kirkland Distributors, LLC v. McClellan, No. 2:26-cv-27, 2026 WL 114693, at *2 (S.D.W. Va. Jan. 15, 2026)
- Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923)
- D.C. Court of Appeals v. Feldman, 460 U.S. 462 (1983)
- Am. Reliable Insur. Co. v. Stillwell, 336 F.3d 311, 316 (4th Cir. 2003)
- Johnson v. De Grandy, 512 U.S. 997, 1005–06 (1994)
- Washington v. Wilmore, 407 F.3d 274, 279 (4th Cir. 2005)
- Boyd v. Simmons, No. 6:18-cv-576-BHH-JDA, 2018 WL 4999804, at *2 (D.S.C. Mar. 14, 2018)
- Plyler v. Moore, 129 F.3d 728, 731 (4th Cir. 1997)
- Jordahl v. Democratic Party of Virginia, 122 F.3d 192, 202 (4th Cir. 1997)
- Garey v. Hughes, No. 5:23-ct-3361-M-RJ, 2024 WL 3184631, at *3 (E.D.N.C. June 26, 2024)
- Bianco v. Powell, No. 0:24-cv-3866-RMG-PJG, 2024 WL 3862661, at *3 (D.S.C. July 22, 2024)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20, 24 (2008)
- Lisa Henderson v. Bluefield Hospital Co., LLC, Henderson for National Labor Relations Board v. Bluefield Hospital Co., LLC, 902 F.3d 432, 439 (4th Cir. 2018)
- Virginia v. Kelly, 29 F.3d 145, 147 (4th Cir. 1994)
- American Federation of Teachers v. Bessent, No. 25-1282, 2025 WL 2313244, at *3 (4th Cir. Aug. 12, 2025)
- Vendo Co. v. Lektro-Vend Corp., 433 U.S. 623, 630 (1977)
- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310 (4th Cir. 2005)
- Thomas v. Arn, 474 U.S. 140 (1985)
- Wright v. Collins, 766 F.2d 841 (4th Cir. 1985)
- United States v. Schronce, 727 F.2d 91 (4th Cir. 1984)

