

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Kyle Jordan Smith v. Super Ego Holdings, LLC, MHC Kenworth
and Affiliates, Rex Trucking, Crena Logistics, Euro Freight Services,
Southern Pride Towing, Chris 24/7 Towing, John Does

Smith v. Super Ego Holdings · No. 4:25-cv-12553-JD-TER · Decided April 10, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts a magistrate judge’s Report and Recommendation and dismisses the action without prejudice and without issuance or service of process. The court concludes that the pro se plaintiff failed to establish subject matter jurisdiction under either federal-question or diversity jurisdiction and that the asserted federal claims were inadequately pleaded. The court overrules the plaintiff’s objections, denies emergency relief and further leave to amend, and denies pending motions as moot.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Joséph Dawson, III
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	April 10, 2026
DOCKET	4:25-cv-12553-JD-TER
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending summary dismissal without prejudice and without issuance and service of process for lack of subject matter jurisdiction. Plaintiff filed timely objections, which the district court overruled.
STANDARD OF REVIEW	De novo review of portions of the Report and Recommendation to which specific objections were made under 28 U.S.C. § 636(b)(1); the court independently examined subject matter jurisdiction and reviewed the action under 28 U.S.C. § 1915.
PRECEDENTIAL VALUE	unpublished district court order; precedential status not stated

PARTIES

Kyle Jordan Smith v. Super Ego Holdings, LLC, MHC Kenworth and Affiliates, Rex Trucking, Crena Logistics, Euro Freight Services, Southern Pride Towing, Chris 24/7 Towing, John Does

TOPICS

subject matter jurisdiction

standing

pleadings

civil procedure

motions to dismiss

PRACTICE AREAS

civil procedure

commercial litigation

civil rights

employment law

QUESTIONS PRESENTED

1. Whether the Amended Complaint established federal subject matter jurisdiction under 28 U.S.C. § 1332.
2. Whether the Amended Complaint established federal-question jurisdiction under 28 U.S.C. § 1331 by pleading a cognizable federal claim.
3. Whether the action could be dismissed for lack of subject matter jurisdiction before issuance and service of process under 28 U.S.C. § 1915.
4. Whether Plaintiff was entitled to emergency relief under Federal Rule of Civil Procedure 65(b).
5. Whether Plaintiff should receive further leave to amend.

HOLDINGS

1. Plaintiff failed to establish diversity jurisdiction because he did not adequately plead the citizenship of the LLC defendants and other defendants, and the allegations did not establish complete diversity.
2. Plaintiff failed to establish federal-question jurisdiction because the Amended Complaint did not plead facts sufficient to state a cognizable federal claim under the statutes invoked.
3. The court may dismiss an in forma pauperis action for lack of subject matter jurisdiction before issuance and service of process.
4. Plaintiff was not entitled to emergency relief because he had not established subject matter jurisdiction, and Rule 65(b) did not provide an independent jurisdictional basis.
5. Further leave to amend was denied because Plaintiff had already been given an opportunity to amend and the remaining jurisdictional defects could not be cured by the conclusory allegations presented.

KEY QUOTATIONS

“federal courts are courts of limited jurisdiction and must dismiss an action whenever subject matter jurisdiction is lacking.” (DE 17 at 3-4)

“Service is therefore not required before dismissal where the Court lacks subject matter jurisdiction.” (DE 19 at 3)

“Under these circumstances, further amendment would be futile.” (DE 19 at 5)

FACTUAL BACKGROUND

Plaintiff, proceeding pro se and in forma pauperis, asserted claims arising from alleged disputes involving the leasing, repair, and repossession of two commercial trucks. The leases attached to the Amended Complaint identified Mary Lois Charities, rather than Plaintiff individually, as the lessee, and public records indicated that Mary Lois Charities was a separate registered entity. Plaintiff alleged state-law claims and invoked federal statutes including 42 U.S.C. § 1983, civil RICO, the ADA, the Surface Transportation Assistance Act, and criminal statutes, but did not plead facts establishing complete diversity or a cognizable federal claim.

PROCEDURAL HISTORY

Plaintiff filed an in forma pauperis civil action concerning the leasing, repair, and repossession of two commercial trucks. After a proper-form order, Plaintiff filed an Amended Complaint. The magistrate judge conducted an initial review under 28 U.S.C. § 1915 and recommended dismissal for failure to establish diversity or federal-question jurisdiction. After de novo review of the portions specifically objected to, the district court adopted the Report and Recommendation, dismissed the action without prejudice and without issuance or service of process, denied pending motions as moot, and denied further leave to amend as futile.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270-71 (1976)
- United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984)
- Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Thomas v. Arn, 474 U.S. 140, 147 (1985)
- Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Swierkiewicz v. Sorema N.A., 534 U.S. 506 (2002)

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