

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

Travis Tyrone Petty v. Dep. Branson, Dep. Hendrich, Dep. J.
Macklin, Dep. T. Shue, Dep. Bennett

C/A No. 7:25-cv-13647-BHH-WSB · No. 7:25-cv-13647-BHH-WSB · Decided December 30, 2025

SUMMARY

This Report and Recommendation addresses a pro se, in forma pauperis 42 U.S.C. § 1983 action brought by pretrial detainee Travis Tyrone Petty against several Spartanburg County deputies. The magistrate judge recommends summary dismissal because the pleadings do not sufficiently allege the defendants’ personal involvement or plausible claims for excessive force, deliberate indifference to medical needs, or malicious prosecution.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Spartanburg Division
WRITING FOR THE COURT	William S. Brown
JURISDICTION	United States District Court for the District of South Carolina, Spartanburg Division
DECIDED	December 30, 2025
DOCKET	7:25-cv-13647-BHH-WSB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Report and recommendation on screening of a pro se prisoner's amended complaint under the in forma pauperis and prisoner-screening statutes.
STANDARD OF REVIEW	Screening under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A; the pleadings were liberally construed, but required sufficient factual matter to state a plausible claim for relief. The recommendation advised that, absent specific objections, the district judge would review for clear error.
PRECEDENTIAL VALUE	Nonprecedential report and recommendation; not a final adjudication in the supplied text.
PARTIES	Travis Tyrone Petty v. Dep. Branson, Dep. Hendrich, Dep. J. Macklin, Dep. T. Shue, Dep. Bennett

TOPICS

section 1983 prisoners rights civil rights pleadings constitutional law

PRACTICE AREAS

Civil rights Constitutional law Federal courts Prisoner litigation

QUESTIONS PRESENTED

1. Whether the pleadings stated a plausible § 1983 claim against the named defendants when they were identified in the caption but not linked to specific conduct in the body of the pleadings.
2. Whether the allegations stated a deliberate-indifference claim based on an alleged denial of medical care.
3. Whether the allegations stated a malicious-prosecution claim.
4. Whether the allegations and attached incident reports stated a Fourth Amendment excessive-force claim.

HOLDINGS

1. The pleadings failed to state a § 1983 claim because they did not allege specific conduct or personal involvement by any named defendant.
2. The pleadings failed to state a deliberate-indifference claim because Petty did not identify an individual responsible for denying medical care, and the attached records showed that he received medical evaluation and hospital treatment.
3. The pleadings failed to state a constitutional malicious-prosecution claim because Petty did not allege that the criminal proceedings ended without a conviction.
4. The allegations and attached incident reports did not state a plausible excessive-force claim because the force used to subdue and transport Petty was objectively reasonable in light of his flight, resistance, threats to officer safety, and continuing efforts to interfere with transport.

KEY QUOTATIONS

“The Fourth Amendment test is “an objective one: the question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.”” (at 16-17)

“Courts have “long recognized that the right to make an arrest . . . necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it.”” (at 17)

FACTUAL BACKGROUND

Petty alleged that deputies used excessive force while arresting him at his workplace and later denied him medical care. The incident reports attached to the amended complaint described Petty fleeing from officers, resisting arrest, kicking and striking the patrol vehicle, attempting to reach the driver's compartment, and

requiring restraint during transport. The reports also indicated that Petty was evaluated by jail medical staff and transported to a hospital for treatment.

PROCEDURAL HISTORY

Petty filed an action under 42 U.S.C. § 1983 alleging excessive force, deliberate indifference to medical needs, and malicious prosecution. After the court identified pleading deficiencies and granted leave to amend, Petty filed an amended complaint. The magistrate judge reviewed both pleadings and recommended summary dismissal without further leave to amend or issuance and service of process.

DISPOSITION

dismissed

CASES CITED

- Young v. City of Mount Ranier, 238 F.3d 567, 572 (4th Cir. 2001)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Barnett v. Hargett, 174 F.3d 1128, 1133 (10th Cir. 1999)
- Small v. Endicott, 998 F.2d 411, 417-18 (7th Cir. 1993)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir. 1985)
- Weller v. Department of Social Services, 901 F.2d 387, 389 n.2, 391 (4th Cir. 1990)
- Ashcroft v. Iqbal, 556 U.S. 662, 677-79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Francis v. Giacomelli, 588 F.3d 186, 193 (4th Cir. 2009)
- Owens v. Baltimore City State's Attorneys Office, 767 F.3d 379, 388 (4th Cir. 2014)
- Adams v. Rice, 40 F.3d 72, 74-75 (4th Cir. 1994)
- White v. White, 886 F.2d 721, 723-24 (4th Cir. 1989)
- Bass v. DuPont, 324 F.3d 761, 765 (4th Cir. 2003)
- Albright v. Oliver, 510 U.S. 266, 271 (1994)
- Baker v. McCollan, 443 U.S. 137, 144 n.3 (1979)
- Rehberg v. Paulk, 566 U.S. 356, 361 (2012)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Moss v. Harwood, 19 F.4th 614, 624 (4th Cir. 2021)
- Martin v. Gentile, 849 F.2d 863 (4th Cir. 1988)
- Short v. Hartman, 87 F.4th 593, 611-12 (4th Cir. 2023)
- Jackson v. Lightsey, 775 F.3d 170, 178 (4th Cir. 2014)
- Iko v. Shreve, 535 F.3d 225, 241 (4th Cir. 2008)
- Moskos v. Hardee, 24 F.4th 289, 298 (4th Cir. 2022)
- Wright v. Collins, 766 F.2d 841, 849 (4th Cir. 1985)

- Grayson v. Peed, 195 F.3d 692, 695 (4th Cir. 1999)
- Kingsley v. Hendrickson, 576 U.S. 389, 396 (2015)
- Brawner v. Scott County, 14 F.4th 585, 596 (6th Cir. 2021)
- Gordon v. County of Orange, 888 F.3d 1118, 1125 (9th Cir. 2018)
- Miranda v. County of Lake, 900 F.3d 335, 353-54 (7th Cir. 2018)
- Potter v. Clark, 497 F.2d 1206, 1207 (7th Cir. 1974)
- Newkirk v. Circuit Court of City of Hampton, C/A No. 3:14-cv-372-HEH, 2014 WL 4072212, at *2 (E.D. Va. Aug. 14, 2014)
- Cochran v. Morris, 73 F.3d 1310, 1315 (4th Cir. 1996)
- Bennett v. Nix, C/A No. 4:18-cv-2781-JMC-TER, 2020 WL 608348, at *6 (D.S.C. Jan. 7, 2020)
- Evans v. Chalmers, 703 F.3d 636, 647 (4th Cir. 2012)
- Thompson v. Clark, 596 U.S. 36, 49 (2022)
- Est. of Green v. City of Annapolis, 696 F. Supp. 3d 130, 166 (D. Md. 2023)
- Griffith v. State Farm Fire and Casualty Co., C/A No. 2:12-cv-00239-DCN, 2012 WL 2048200, at *1 (D.S.C. June 6, 2012)
- Branch v. Anderson County Detention Center, C/A No. 2:24-cv-00851-JFA-MGB, 2024 WL 4981587, at *4 (D.S.C. Oct. 18, 2024)
- Hamilton v. United States, C/A No. 2:20-cv-1666-RMG-MHC, 2020 WL 7001153, at *4 (D.S.C. Aug. 26, 2020)
- Garner v. Cohen, C/A No. 2:16-cv-561-TLW-MGB, 2016 WL 9175627, at *4 (D.S.C. Sept. 1, 2016)
- Goines v. Valley Community Services Board, 822 F.3d 159, 166-68 (4th Cir. 2016)
- Fayetteville Investors v. Commercial Builders, Inc., 936 F.2d 1462, 1465 (4th Cir. 1991)
- Thompson v. Illinois Department of Professional Regulation, 300 F.3d 750, 754 (7th Cir. 2002)
- Bell v. Landress, 708 F. App'x 138, 139 (4th Cir. 2018)
- Graham v. Connor, 490 U.S. 386, 395-97 (1989)
- Riley v. Dorton, 115 F.3d 1159, 1161 (4th Cir. 1997)
- Yarborough v. Montgomery, 554 F. Supp. 2d 611, 617 (D.S.C. 2008)
- Brown v. Gilmore, 278 F.3d 362, 369-70 (4th Cir. 2002)
- Redding v. Boulware, 501 F. App'x 238, 241 (4th Cir. 2012)
- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310 (4th Cir. 2005)
- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. Schronce, 727 F.2d 91 (4th Cir. 1984)