

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

**John Lionel Constance, Jr., individually and as father and next friend
of L.G.C. v. South Carolina Department of Social Services, Edward
Moore, John Does 1-25**

Constance v. South Carolina Department of Social Services · No. C/A No. 6:26-cv-00196-BHH-KFM · Decided
January 23, 2026

SUMMARY

The document is a Report and Recommendation from a United States magistrate judge addressing the plaintiff’s motion for a temporary restraining order and preliminary injunction concerning custody of a minor child. The magistrate judge recommends denial because the plaintiff cannot proceed pro se on the child’s behalf, failed to establish likely success or irreparable harm, and the claims are subject to immunity, lack of personal involvement, Younger abstention, and potentially Rooker-Feldman.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Greenville Division
WRITING FOR THE COURT	Kevin F. McDonald, United States Magistrate Judge
JURISDICTION	United States District Court for the District of South Carolina, Greenville Division
DECIDED	January 23, 2026
DOCKET	C/A No. 6:26-cv-00196-BHH-KFM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for a temporary restraining order and preliminary injunction in a federal action challenging state family-court custody proceedings and alleging violations of 42 U.S.C. § 1983 and the Americans with Disabilities Act. The magistrate judge issued a Report and Recommendation advising that the motion be denied.
STANDARD OF REVIEW	A party seeking a temporary restraining order or preliminary injunction must clearly show a likelihood of success on the merits, a likelihood of irreparable harm absent relief, that the balance of equities favors relief, and that an injunction is in the public interest. The magistrate judge reviewed the motion and made a recommendation to

	the district judge under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	John Lionel Constance, Jr., individually and as father and next friend of L.G.C. v. South Carolina Department of Social Services, Edward Moore, John Does 1-25

TOPICS

injunctions child custody family law section 1983 civil procedure

PRACTICE AREAS

civil procedure constitutional law civil rights family law remedies

QUESTIONS PRESENTED

1. Whether plaintiff established the requirements for a temporary restraining order or preliminary injunction.
2. Whether plaintiff could pursue claims on behalf of his minor child while proceeding pro se.
3. Whether plaintiff was likely to succeed on his personal § 1983 claims against the South Carolina Department of Social Services and the individual defendants.
4. Whether Younger abstention barred federal interference with ongoing South Carolina family-court proceedings.
5. Whether the Rooker-Feldman doctrine barred federal jurisdiction if the state family-court proceedings had ended.

HOLDINGS

1. The motion for a temporary restraining order and preliminary injunction should be denied because plaintiff failed to clearly show that he was likely to succeed on the merits and failed to establish likely irreparable harm.
2. A non-attorney parent proceeding pro se may not litigate the federal claims of the parent's minor child, including the child's ADA claims.
3. Plaintiff failed to show likely success on his personal § 1983 claims because he did not allege personal wrongdoing by the individual defendants and the South Carolina Department of Social Services was not a suable person under § 1983 and was protected by Eleventh Amendment immunity.
4. Younger abstention applied, or appeared to apply, because the challenged state family-court proceedings were ongoing, implicated important state domestic-relations interests, and provided an adequate opportunity to raise federal claims.

5. If the South Carolina family-court proceedings had ended, the Rooker-Feldman doctrine would bar the federal court from exercising jurisdiction over plaintiff's claims because he was challenging injuries allegedly caused by prior state-court custody orders and sought their invalidation.

KEY QUOTATIONS

"A plaintiff seeking a TRO or a preliminary injunction must establish all four of the following elements: (1) he is likely to succeed on the merits; (2) he is likely to suffer irreparable harm in the absence of preliminary relief; (3) the balance of equities tips in his favor; and (4) an injunction is in the public interest." (2)

"non-attorney parents generally may not litigate the claims of their minor children in federal court" (2)

"The Rooker-Feldman doctrine applies . . . when the loser in state court files suit in federal district court seeking redress for an injury allegedly caused by the state court's decision itself." (4)

FACTUAL BACKGROUND

Plaintiff challenged the custody of his minor child, L.G.C., by the South Carolina Department of Social Services and related defendants in connection with South Carolina family-court proceedings. He sought to enjoin the defendants from exercising custody, require disability accommodations under the ADA, prevent retroactive foster-care designations, permit his participation in medical, therapeutic, and educational decisions, and require that he be presented as a fit, non-offending parent. Plaintiff also asserted that L.G.C. had a disability and that the defendants were not providing legally required accommodations.

PROCEDURAL HISTORY

The complaint was docketed on January 21, 2026, and plaintiff filed the motion for a temporary restraining order and preliminary injunction. Pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(d), the magistrate judge reviewed the pretrial motion and recommended denial. The parties were advised that they could file objections with the district judge within fourteen days.

DISPOSITION

other

CASES CITED

- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20-24 (2008)
- The Real Truth About Obama, Inc. v. Federal Election Commission, 575 F.3d 342, 345-47 (4th Cir. 2009), vacated on other grounds, 559 U.S. 1089 (2010), reinstated in relevant part, 607 F.3d 355 (4th Cir. 2010)
- Myers v. Loudon County Public Schools, 418 F.3d 395, 400-01 (4th Cir. 2005)
- Harden v. Green, 27 F. App'x 173, 178 (4th Cir. 2001)
- Alden v. Maine, 527 U.S. 706, 712-13 (1999)
- Alabama v. Pugh, 438 U.S. 781, 781-82 (1978)
- Ashcroft v. Iqbal, 556 U.S. 662, 676 (2009)

- *Younger v. Harris*, 401 U.S. 37 (1971)
- *Gilliam v. Foster*, 75 F.3d 881, 903 (4th Cir. 1996)
- *Brown-Thomas v. Hynie*, 441 F. Supp. 3d 180, 219 (D.S.C. 2019)
- *Martin Marietta Corp. v. Maryland Commission on Human Relations*, 28 F.3d 1392, 1398 (4th Cir. 1994)
- *Vickie Lynn Marshall v. E. Pierce Marshall, Marshall v. Marshall*, 547 U.S. 293, 308 (2006)
- *Robinson v. Thomas*, 855 F.3d 278, 286 (4th Cir. 2017)
- *American Reliable Insurance Co. v. Stillwell*, 336 F.3d 311, 316 (4th Cir. 2003)
- *Davani v. Virginia Department of Transportation*, 434 F.3d 712, 713, 719 (4th Cir. 2006)
- *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 476-82 (1983)
- *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280 (2005)
- *T.M. v. University of Maryland Medical System Corp.*, 139 F.4th 344, 350 (4th Cir. 2025)
- *Jordahl v. Democratic Party of Virginia*, 122 F.3d 192, 202 (4th Cir. 1997)
- *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)

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