

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

Lamont Cutner v. Terry Standley, Captain B. Bibbs, Lt. J. Durant,
DHO D. Williams, and K. Borem

Cutner · No. 6:25-cv-13050-RMG-KFM · Decided December 30, 2025

SUMMARY

A United States magistrate judge recommends denying state prisoner Lamont Cutner’s motion for a preliminary injunction and temporary restraining order. The recommendation concludes that the requested relief concerns claims unrelated to the underlying complaint, seeks a prison transfer beyond the court’s authority, and does not establish a likely constitutional violation or actual injury.

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	December 30, 2025
DOCKET	6:25-cv-13050-RMG-KFM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding under 42 U.S.C. § 1983, moved for a preliminary injunction and temporary restraining order. The magistrate judge issued a report and recommendation that the motion be denied.
STANDARD OF REVIEW	A preliminary injunction or TRO requires a clear showing of likely success on the merits and likely irreparable harm, after which the court considers the balance of equities and the public interest. Objections to the report and recommendation are subject to district-court review under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Lamont Cutner v. Terry Standley, Captain B. Bibbs, Lt. J. Durant,
DHO D. Williams, K. Borem

TOPICS

injunctions prisoners rights section 1983 civil procedure

PRACTICE AREAS

civil rights prisoner litigation injunctive relief civil procedure

QUESTIONS PRESENTED

1. Whether Cutner was entitled to a preliminary injunction or TRO based on allegations unrelated to the claims in his complaint.
2. Whether the court could order his transfer to another state prison.
3. Whether the alleged denial of law-library access, taking of property, and interference with mail established constitutional violations supporting preliminary relief.

HOLDINGS

1. A preliminary injunction or TRO may not issue to address alleged injuries unrelated to the wrong asserted in the underlying complaint; because Cutner's motion concerned retaliation, law-library access, mail, and property while his complaint concerned a separate July incident, the requested relief was improper.
2. The requested transfer to another South Carolina Department of Corrections institution was relief the federal court could not grant because federal courts do not sit to supervise state prisons and inmate-transfer decisions are reserved to state-prison officials.
3. The plaintiff was not entitled to law-library access as such; he was entitled to meaningful access to the courts, which requires specific allegations and an actual injury. Cutner failed to allege actual injury because he submitted his filings without missing deadlines.
4. A negligent or unauthorized deprivation of personal property does not establish a constitutional violation when adequate state post-deprivation remedies are available; South Carolina provides such remedies.
5. A vague allegation that defendants were 'messaging' with the plaintiff's mail, without specific allegations against identified defendants, did not state a claim sufficient to support preliminary relief.

KEY QUOTATIONS

"A plaintiff seeking a preliminary injunction or a TRO 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." (at 1-2)

"a motion for a preliminary injunction must be related to the underlying complaint; it is not an appropriate vehicle for asserting new claims" (at 2)

“federal courts do not sit to supervise state prisons.” (at 3)

FACTUAL BACKGROUND

Cutner, a South Carolina state prisoner housed at McCormick Correctional Institution, alleged that prison officials retaliated against him for filing this lawsuit by taking away his tablet and denying him law-library access. He also alleged that officials interfered with his mail and removed legal documents from his cell. He sought transfer to another South Carolina Department of Corrections institution for the remainder of the litigation, while the underlying complaint concerned a separate July incident.

PROCEDURAL HISTORY

Cutner filed his § 1983 complaint on October 20, 2025. After the court directed him to submit documents to bring the action into proper form, he filed a motion for a preliminary injunction and TRO alleging retaliation, interference with mail, denial of law-library access, and seizure of legal documents. The magistrate judge recommended denial because the requested relief was unrelated to the complaint and the allegations did not establish entitlement to injunctive relief.

DISPOSITION

other

CASES CITED

- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20, 22-24 (2008)
- The Real Truth About Obama, Inc. v. Federal Election Commission, 575 F.3d 342, 345-47 (4th Cir. 2009), vacated on other grounds by 559 U.S. 1089 (2010), reinstated in relevant part on remand by 607 F.3d 355 (4th Cir. 2010)
- Rice v. Dotson, C/A No. 7:25-cv-00234, 2025 WL 2969101, at *2 (W.D. Va. Oct. 20, 2025)
- Omega World Travel Inc. v. TWA, 111 F.3d 14, 16 (4th Cir. 1997)
- Meachum v. Fano, 427 U.S. 215, 228-29 (1976)
- Cochran v. Morris, 73 F.3d 1310, 1317 (4th Cir. 1996)
- Lewis v. Casey, 518 U.S. 343, 352-53 (1996)
- Daniels v. Williams, 474 U.S. 327 (1986)
- Mora v. City of Gaithersburg, 519 F.3d 216, 230-31 (4th Cir. 2008)
- Griffith v. State Farm Fire and Cas. Co., C/A No. 2:12-cv-00239-DCN, 2012 WL 2048200, at *1 (D.S.C. June 6, 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- 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)

OPINION

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH CAROLINA GREENVILLE DIVISION Lamont Cutner,) C/A No. 6:25-cv-13050-RMG-KFM) Plaintiff,)) REPORT OF MAGISTRATE JUDGE vs.)) Terry Standley, Captain B. Bibbs, Lt. J.) Durant, DHO D. Williams, K. Borem,)) Defendants.)) This matter is before the court on the plaintiff's motion for a preliminary injunction and a temporary restraining order ("TRO") (doc.

13). The plaintiff, a state prisoner in the custody of the South Carolina Department of Corrections ("SCDC"), is located at McCormick Correctional Institution ("McCormick"). Pursuant to the provisions of 28 U.S.C. § 636(b), and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), this magistrate judge is authorized to review all pretrial matters in cases filed under 42 U.S.C. § 1983 and submit findings and recommendations to the district court.

The plaintiff's complaint was entered on the docket on October 20, 2025 (doc. 1). By order filed November 17, 2025, the undersigned instructed the plaintiff to submit certain documents to bring the case into proper form (doc. 7). With the proper form documents, the plaintiff filed a motion for a preliminary injunction and for a TRO (doc. 13).

As addressed below, the undersigned recommends the motion be denied. In his motion, the plaintiff asserts that in retaliation for filing the instant matter the defendants have taken away his tablet and have not allowed him to go to the law library (doc. 13 at 1). He further contends that the defendants are "messaging" with his mail and taking his legal documents from his cell (id. at 1–2).

For relief, the plaintiff seeks to be transferred to another SCDC institution during the remainder of his lawsuit (id. at 2). A plaintiff seeking a preliminary injunction or a TRO 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.

Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008); The Real Truth About Obama, Inc. v. Fed. Election Comm'n, 575 F.3d 342, 346–47 (4th Cir. 2009), vacated on other grounds by 559 U.S. 1089 (2010), reinstated in relevant part on remand by 607 F.3d 355 (4th Cir. 2010). A plaintiff must make a clear showing that he is likely to succeed on the merits of his claim.

Winter, 555 U.S. at 22; Real Truth, 575 F.3d at 345–46. Similarly, he must make a clear showing that he is likely to be irreparably harmed absent injunctive relief. Winter, 555 U.S. at 20–23; Real Truth, 575 F.3d at 347. Only then may the court consider whether the balance of equities tips in the plaintiff's favor. See Real Truth, 575 F.3d at 346–47.

Finally, the court must pay particular regard to the public consequences of employing the extraordinary relief of injunction. Real Truth, 575 F.3d at 347 (quoting Winter, 555 U.S. at 24). The plaintiff's request for a preliminary injunction or a TRO fails because the claims in his motion

are unrelated to the allegations of his complaint (which involve an incident between the plaintiff and the defendants in July (see doc.

1)). See *Rice v. Dotson*, C/A No. 7:25-cv-00234, 2025 WL 2969101, at *2 (W.D. Va. Oct. 20, 2025) (noting that “a motion for a preliminary injunction must be related to the underlying complaint; it is not an appropriate vehicle for asserting new claims”); see also *Omega World Travel Inc. v. TWA*, 111 F.3d 14, 16 (4th Cir. 1997) (holding that “a preliminary injunction may never issue to prevent an injury or harm which not even the moving party contends was caused by the wrong claimed in the underlying action”).

Further, the relief requested in the plaintiff’s motion, transfer to another SCDC institution, seeks relief this court cannot grant because “federal courts do not sit to supervise state prisons.” See *Meachum v. Fano*, 427 U.S. 215, 228–29 (1976) (noting that the decision to transfer inmates is reserved to the discretion of the state prisons). Indeed, the plaintiff has not alleged a constitutional violation with respect to his access to the law library as he is not entitled to access a law library – only access to the courts.

Cochran v. Morris, 73 F.3d 1310, 1317 (4th Cir. 1996) (noting that claims for denial of access to the courts must be pled with specificity and include an actual injury). In any event, the plaintiff has not alleged an actual injury (by demonstrating that a non-frivolous legal claim was frustrated or impeded by some actual deprivation of access to the court) based on the denial of access to a law library – and has submitted his proper form documents in this case (and others filed in this court) without missing deadlines.

See *Lewis v. Casey*, 518 U.S. 343, 352–53 (1996). Further, to the extent the plaintiff contends that the defendants have taken his property, there is no constitutional violation so long as there are adequate state law post-deprivation remedies (and there are in South Carolina). See *Daniels v. Williams*, 474 U.S. 327 (1986) (noting that deprivations of a detainee’s personal property do not rise to the level of a constitutional violation so long as there are adequate state law post-deprivation remedies); *Mora v. City of Gaithersburg*, 519 F.3d 216, 230–31 (4th Cir.

2008) (same); see also S.C. Code § 15-78-10, et seq. (setting forth the remedial procedures in South Carolina). Similarly, the plaintiff’s vague allegation that the defendants are “messing” with his mail – without specific allegations against named defendants – does not state a claim. *Griffith v. State Farm Fire and Cas. Co.*, C/A No. 2:12-cv-00239-DCN, 2012 WL 2048200, at *1 (D.S.C.

June 6, 2012) (finding that the plausibility standard requires more than “an unadorned, the-defendant-unlawfully-harmed-me accusation.” (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009))). As such, the undersigned recommends denying the plaintiff’s motion. 3
RECOMMENDATION Based upon the foregoing, the plaintiff’s motion for a preliminary injunction and a TRO (doc.

13) should be denied. IT IS SO RECOMMENDED. s/Kevin F. McDonald United States Magistrate Judge December 30, 2025 Greenville, South Carolina The attention of the parties is directed to the important notice on the next page. 4 Notice of Right to File Objections to Report and Recommendation The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge.

Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc.*

Ins. Co., 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to: Robin L. Blume, Clerk United States District Court 250 East North Street, Room 2300 Greenville, South Carolina 29601 Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation.

28 U.S.C. § 636(b)(1); *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). 5