

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

VonEric Primus v. Ms. Allen

Primus · No. 8:25-cv-01958-DCC · Decided February 17, 2026

SUMMARY

The United States District Court for the District of South Carolina granted Defendant’s motion for summary judgment in VonEric Primus’s Bivens action concerning alleged inadequate medical care. The Court held that Plaintiff failed to properly exhaust administrative remedies and, alternatively, that his claim arose in a new Bivens context for which special factors counseled against extending a damages remedy. The Court also addressed sovereign immunity, qualified immunity, and injunctive relief.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Donald C. Coggins, Jr.
JURISDICTION	United States District Court for the District of South Carolina, Anderson/Greenwood Division
DECIDED	February 17, 2026
DOCKET	8:25-cv-01958-DCC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a Bivens civil-rights action concerning alleged inadequate medical care. Defendant moved to dismiss or, alternatively, for summary judgment. After the magistrate judge recommended construing the motion as one for summary judgment and granting it, plaintiff filed objections, and the district court conducted de novo review.
STANDARD OF REVIEW	De novo review of portions of the magistrate judge's report to which a specific objection was made; clear-error review in the absence of a timely objection.
PRECEDENTIAL VALUE	Unpublished district court order; generally nonprecedential.
PARTIES	VonEric Primus v. Ms. Allen

TOPICS

prisoners rights

qualified immunity

sovereign immunity

summary judgment

civil rights

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether summary judgment was appropriate because plaintiff failed to properly exhaust available administrative remedies before filing suit.
2. Whether plaintiff's alleged inadequate-medical-care claim arose in a new Bivens context and, if so, whether special factors counseled against extending a Bivens damages remedy.
3. Whether sovereign immunity barred plaintiff's official-capacity claim.
4. Whether qualified immunity barred plaintiff's individual-capacity claim because he failed to allege a constitutional violation.
5. Whether plaintiff was entitled to injunctive relief concerning prison conditions.

HOLDINGS

1. Plaintiff failed to properly comply with the grievance procedure, which was a prerequisite to filing suit.
2. Plaintiff's inadequate-medical-care claim arose in a new Bivens context, and special factors counseled against extending a Bivens damages remedy.
3. Sovereign immunity barred plaintiff's claim against defendant in her official capacity.
4. Qualified immunity barred plaintiff's individual-capacity claim because plaintiff did not state a constitutional violation.
5. Plaintiff was not entitled to injunctive relief.

KEY QUOTATIONS

“The Bivens remedy should not be expanded “if there are special factors counseling hesitation in the absence of affirmative action by Congress.””

“Accordingly, Plaintiff’s claim arises in a new context, and special factors counsel against extending a Bivens remedy.”

FACTUAL BACKGROUND

Plaintiff alleged that he had experienced severe chest pains since December 2023 and a persistent cough since 2019, causing serious medical problems. He sought relief under Bivens against Ms. Allen, including injunctive relief. The district court found that plaintiff did not properly comply with the applicable grievance procedure and that his alleged failure-to-provide-medical-care claim differed meaningfully from the Bivens claim recognized in *Carlson v. Green*.

PROCEDURAL HISTORY

The action was referred to Magistrate Judge William S. Brown under 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) of the District of South Carolina. The magistrate judge recommended granting summary judgment because plaintiff failed to properly exhaust administrative remedies and because no Bivens remedy was available. Plaintiff objected, but the district court adopted the recommendation and granted defendant's motion for summary judgment.

DISPOSITION

other

CASES CITED

- Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1999)
- Mathews v. Weber, 423 U.S. 261 (1976)
- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Mentavlos v. Anderson, 249 F.3d 301, 310 (4th Cir. 2001)
- Davis v. Passman, 442 U.S. 228 (1979)
- Carlson v. Green, 446 U.S. 14 (1980)
- Ziglar v. Abbasi, 137 S. Ct. 1843, 1857-59 (2017)
- Bulger v. Hurwitz, 62 F.4th 127, 137-42 (4th Cir. 2023)
- Morrison v. Holding, 539 F. App'x 272, 273 (4th Cir. 2013)
- Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982)

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