

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Passmore v. O'Brien, Sr.

C/A No. 6:26-cv-01160-TMC (D.S.C. June 2, 2026) · No. C/A No. 6:26-cv-01160-TMC · Decided June 2, 2026

SUMMARY

The United States District Court for the District of South Carolina adopted a magistrate judge's Report and Recommendation and dismissed James Richard Passmore's § 1983 action against a Greenville County magistrate judge. The court held that the defendant was entitled to absolute judicial immunity for issuing arrest warrants and that Younger abstention applied because the plaintiff's state criminal proceedings remained ongoing.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Timothy M. Cain
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	June 2, 2026
DOCKET	C/A No. 6:26-cv-01160-TMC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court conducted de novo review of a magistrate judge's Report and Recommendation after objections were filed in a pro se prisoner civil-rights action under 42 U.S.C. § 1983.
STANDARD OF REVIEW	The district court reviews de novo those portions of a magistrate judge's report to which specific objections are made and reviews unobjected-to portions, or portions subject only to general and conclusory objections, for clear error. Pro se filings are construed liberally.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation
PARTIES	James Richard Passmore v. Ernest Michael Patrick O'Brien, Sr.

TOPICS

civil procedure

section 1983

constitutional law

due process

criminal procedure

PRACTICE AREAS

civil rights

constitutional law

federal civil procedure

criminal procedure

QUESTIONS PRESENTED

1. Whether the defendant was entitled to absolute judicial immunity for issuing arrest warrants within his subject-matter jurisdiction.
2. Whether Younger abstention required dismissal of the § 1983 action seeking federal intervention in ongoing state criminal proceedings, including whether the alleged circumstances satisfied the bad-faith exception.
3. Whether the magistrate judge's Report and Recommendation should be adopted after de novo review of Plaintiff's objections.

HOLDINGS

1. A judge is entitled to absolute judicial immunity from claims arising from the issuance of an arrest warrant when issuing the warrant is a judicial act performed within the judge's subject-matter jurisdiction.
2. Younger abstention applies where a federal action would interfere with ongoing state judicial proceedings implicating important state interests and the plaintiff has an adequate opportunity to raise constitutional claims in those proceedings. Mere allegations of bad faith or harassment do not satisfy the bad-faith exception.
3. After conducting de novo review of the specific objections, the district court may adopt the magistrate judge's recommendation in whole or in part and dismiss the action.

KEY QUOTATIONS

“Judicial immunity is “justified and defined by the functions it protects and serves, not by the person to whom it attaches.”” (at 3)

“To prevail under the bad faith exception, the [plaintiff] must show ‘a prosecution has been brought without a reasonable expectation of obtaining a valid conviction.’” (at 4)

FACTUAL BACKGROUND

Plaintiff, a pretrial detainee proceeding pro se, was arrested on January 18, 2026, on state drug-manufacturing and trafficking charges that remained pending. He alleged that the arrest warrants were signed by Defendant, a Greenville County magistrate judge whom Plaintiff claimed was not neutral and detached, and sought federal intervention requiring a new probable-cause determination. The challenged conduct consisted of Defendant's issuance of warrants while performing judicial duties.

PROCEDURAL HISTORY

Plaintiff commenced the action against a Greenville County magistrate judge based on the defendant's issuance of arrest warrants during pending state criminal proceedings. The matter was referred for pretrial proceedings,

and the magistrate judge recommended dismissal without prejudice, without leave to amend, and without issuance and service of process, based on Younger abstention and absolute judicial immunity. The district court overruled the objections, adopted the Report, and dismissed the action.

DISPOSITION

dismissed

CASES CITED

- Younger v. Harris, 401 U.S. 37 (1971)
- Elijah v. Dunbar, 66 F.4th 454, 459-61 (4th Cir. 2023)
- Mathews v. Weber, 423 U.S. 261, 270-71 (1976)
- United States v. Midgett, 478 F.3d 616, 622 (4th Cir. 2007)
- Dunlap v. TM Trucking of the Carolinas, LLC, 288 F. Supp. 3d 654, 662 (D.S.C. 2017)
- Greenspan v. Bros. Prop. Corp., 103 F. Supp. 3d 734, 737 (D.S.C. 2015)
- Camby v. Davis, 718 F.2d 198, 199-200 (4th Cir. 1983)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017)
- Stratton v. Mecklenburg Cnty. Dep't of Soc. Servs., 521 Fed. App'x 278, 290 (4th Cir. 2013)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1277-78 (4th Cir. 1985)
- Forrester v. White, 484 U.S. 219, 227
- Olsen v. Idaho State Bd. of Med., 363 F.3d 916, 929 (9th Cir. 2004)
- Gibson v. Goldston, 85 F.4th 218, 223 (4th Cir. 2023)
- Benson v. O'Brien, 67 F. Supp. 2d 825, 831 (N.D. Ohio 1999)
- Wood v. Olejasz, No. 1:21-cv-103, 2021 WL 4450270, at *3 (N.D.W. Va. Aug. 10, 2021)
- Suggs v. Brannon, 804 F.2d 274, 278 (4th Cir. 1986)
- Salartash v. Chaudhry, No. 3:25-cv-4 (RCY), 2025 WL 711960, at *7 (E.D. Va. Mar. 5, 2025)
- Gilbert v. N. Carolina State Bar, 660 F. Supp. 2d 636, 644 (E.D.N.C. 2009)
- Erie Ins. Exch. v. Maryland Ins. Admin., 105 F.4th 145, 153 n.3 (4th Cir. 2024)