

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA, ROCK HILL DIVISION

Phillip Reeves v. Scotty Bodiford

Reeves · No. 0:26-114-CMC · Decided March 25, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts a magistrate judge’s recommendation and dismisses Phillip Reeves’s 28 U.S.C. § 2241 habeas petition without prejudice and without requiring a response from the respondent. The court concludes that the petition is duplicative and subject to Younger abstention, and that the petitioner’s Gerstein argument does not apply because he was indicted by a grand jury and arrested pursuant to warrants.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Rock Hill Division
WRITING FOR THE COURT	Cameron McGowan Currie
JURISDICTION	United States District Court for the District of South Carolina, Rock Hill Division
DECIDED	March 25, 2026
DOCKET	0:26-114-CMC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2241 while state criminal proceedings were ongoing. The matter was referred to a magistrate judge, who recommended dismissal without prejudice without requiring a response from the respondent. After reviewing Petitioner's objections, the district court adopted the recommendation and dismissed the petition.
STANDARD OF REVIEW	The district court conducts de novo review of portions of a magistrate judge's report to which specific objections are made. In the absence of a timely specific objection, the court reviews the report for clear error on the face of the record.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Phillip Reeves v. Scotty Bodiford

TOPICS

federal habeas corpus

habeas corpus

criminal procedure

due process

probable cause

PRACTICE AREAS

Federal habeas corpus

Criminal procedure

Constitutional law

QUESTIONS PRESENTED

1. Whether the federal § 2241 petition should be dismissed as duplicative and under the Younger abstention doctrine while Petitioner's state criminal proceedings remained ongoing.
2. Whether Gerstein v. Pugh permitted federal relief concerning a preliminary hearing or pretrial detention despite Petitioner's indictment and arrest pursuant to warrants.
3. Whether Petitioner could challenge the sufficiency of the warrants or indictment in the ongoing state criminal proceeding.

HOLDINGS

1. The petition was properly dismissed without prejudice because it was duplicative and implicated ongoing state criminal proceedings subject to Younger abstention.
2. Gerstein's exception concerning pretrial detention without a judicial probable-cause hearing did not apply where Petitioner had been indicted by a grand jury and arrested pursuant to warrants.
3. Petitioner could challenge the sufficiency of the warrants or indictment in the state criminal action.

KEY QUOTATIONS

“in 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.” (at 2)

“Further, the court agrees Petitioner may challenge the sufficiency of the warrants or indictment in his state criminal action.” (at 3)

FACTUAL BACKGROUND

Petitioner was subject to ongoing state criminal proceedings. He had been indicted by a grand jury and arrested pursuant to warrants, and he challenged the legality of his incarceration, the sufficiency of the warrants or indictment, and alleged fabrication of evidence through perjured testimony or omission of material evidence. The federal petition concerned an asserted September 18, 2024 arrest, while Petitioner distinguished it from an August 15, 2024 arrest addressed in an earlier case.

PROCEDURAL HISTORY

Reeves filed a pro se § 2241 habeas petition. Magistrate Judge Paige J. Gossett issued a Report and Recommendation recommending dismissal because the action was duplicative and abstention was required under Younger v. Harris and its progeny. Reeves filed objections, asserting a Fourteenth Amendment fabrication-

of-evidence claim and relying on *Gerstein v. Pugh*. The district court reviewed the objections, agreed with the magistrate judge, adopted the Report, and dismissed the petition without prejudice.

DISPOSITION

dismissed

CASES CITED

- *Mathews v. Weber*, 423 U.S. 261 (1976)
- *Diamond v. Colonial Life & Accident Insurance Co.*, 416 F.3d 310, 315 (4th Cir. 2005)
- *Younger v. Harris*, 401 U.S. 37 (1971)
- *Gerstein v. Pugh*, 420 U.S. 103, 108 n.9, 116-117 (1975)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION Phillip Reeves, Civil Action No. 0:26-114-CMC Petitioner, vs. ORDER
Scotty Bodiford, Respondent. This matter is before the court on Petitioner’s pro se petition for writ
of habeas corpus filed pursuant to 28 U.S.C. § 2241. Dkt. No. 1.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(c), DSC, this matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings and a Report and Recommendation (“Report”).

On February 9, 2026, the Magistrate Judge issued a Report recommending the Petition be dismissed without prejudice and without requiring Respondent to file a return. Dkt. No. 8. The Magistrate Judge advised Petitioner of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Petitioner filed the same document containing his objections twice.

Dkt. Nos. 11, 14. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. See *Mathews v. Weber*, 423 U.S. 261 (1976).

The court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b).

The court reviews the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in 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.”) (citation omitted).

The Report recommended dismissal because this action is duplicative, and based on *Younger v. Harris*, 401 U.S. 37 (1971) and its progeny. Dkt. No. 8 at 2, 3. Petitioner’s state court criminal proceedings are ongoing, and the Magistrate Judge determined this case meets the test set forth for abstention.

The Magistrate Judge also addressed Petitioner’s citation to *Gerstein v. Pugh*, 420 U.S. 103, 108 n.9 (1975), finding it does not help Petitioner, as his indictment returned by a grant jury determines the existence of probable cause and required the issuance of arrest warrants without further inquiry. *Id.* at 5. Petitioner objects, arguing he challenges the validity of his incarceration for the arrest date of September 18, 2024, not the arrest date of August 15, 2024.

Dkt. No. 11 at 1. He contends he is not raising the same grounds as the prior case, as he did not raise the *Gerstein* issue in that case. He notes it is unconstitutional to fabricate evidence to procure a warrant or indictment with perjured testimony or omitting material evidence, which he argues occurred in his case. *Id.* at 2. He claims this filing is a “Due Process Clause of the Fourteenth Amendment Fabrication of Evidence claim.” *Id.* He again raises *Gerstein* for the proposition that an order to hold a preliminary hearing would not prejudice the state court trial on the merits, as it is directed only at the legality of pretrial detention, and asserts this cannot be raised in criminal proceedings.

Id. at 3. 2 *Gerstein* observed in a footnote The District Court correctly held that respondents’ claim for relief was not barred by the equitable restrictions on federal intervention in state prosecutions, *Younger v. Harris*, 401 U.S. 37, 91 S.Ct. 746, 27 L.Ed.2d 669 (1971).

The injunction was not directed at the state prosecutions as such, but only at the legality of pretrial detention without a judicial hearing, an issue that could not be raised in defense of the criminal prosecution.

The order to hold preliminary hearings could not prejudice the conduct of the trial on the merits. 420 U.S. at 108 n.9. However, the Magistrate Judge determined this *Gerstein* footnote did not apply to Petitioner, who was indicted by a Grand Jury and arrested pursuant to warrants.

The plaintiff in *Gerstein* was arrested and held for trial on an Information, not an Indictment, and was arrested without a warrant. *Id.* at 116. That case discusses proper procedures for arrest and charge of someone who had no opportunity for probable cause determination.

However, the Indictment and arrest warrants were issued, and both require a determination of probable cause. See *id.* at 116- 117. Accordingly, the court agrees with the Magistrate Judge, this

distinguishes Petitioner's case from Gerstein. Further, the court agrees Petitioner may challenge the sufficiency of the warrants or indictment in his state criminal action.

3 After reviewing the record of this matter, the applicable law, the Report and Recommendation of the Magistrate Judge, and Petitioner's objections, the court agrees with the Magistrate Judge. The court therefore adopts and incorporates the Report and Recommendation by reference in this order. This petition is dismissed without prejudice and without requiring respondent to file a return.

IT IS SO ORDERED. s/Cameron McGowan Currie CAMERON MCGOWAN CURRIE Senior
United States District Judge Columbia, South Carolina March 25, 2026 4