

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Jesse Lee Gregory #33885-132519 v. Sgt. O. Thomas, Lt. P. Hare,
Major Singulton

Gregory · No. 4:25-cv-12982-JD-TER · Decided February 18, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts a magistrate judge’s Report and Recommendation and dismisses Jesse Lee Gregory’s 42 U.S.C. § 1983 action without prejudice. The court concludes that Gregory sued the defendants only in their official capacities and sought monetary relief barred by the Eleventh Amendment, and that no specific objections to the Report were filed.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	February 18, 2026
DOCKET	4:25-cv-12982-JD-TER
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation concerning initial review of a pro se, in forma pauperis prisoner's amended § 1983 complaint. No specific objections were filed.
STANDARD OF REVIEW	In the absence of specific objections to the Report and Recommendation, the district court was required only to satisfy itself that there was no clear error on the face of the record, rather than conduct de novo review.
PRECEDENTIAL VALUE	unpublished district court order; limited precedential value

TOPICS

- eleventh amendment immunity
- section 1983
- prisoners rights
- appellate procedure
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the magistrate judge's recommendation to dismiss the amended § 1983 complaint should be adopted when Plaintiff sued the defendants only in their official capacities and sought monetary relief.
2. Whether the amended complaint stated a viable claim despite the Eleventh Amendment and the rule that state officials sued in their official capacities are not persons subject to damages under 42 U.S.C. § 1983.
3. Whether the district court was required to conduct de novo review when no specific objections to the Report and Recommendation were filed.

HOLDINGS

1. The amended complaint was subject to dismissal because the defendants were sued only in their official capacities and the requested monetary relief was barred by the Eleventh Amendment; state officials sued in their official capacities are not persons for purposes of a damages action under 42 U.S.C. § 1983 absent consent.
2. Because Plaintiff filed no specific objections, the district court was not required to conduct de novo review and instead needed only to determine whether clear error appeared on the face of the record.

KEY QUOTATIONS

“It is, therefore, ORDERED that this action is DISMISSED WITHOUT PREJUDICE and without issuance and without service of process.”

FACTUAL BACKGROUND

Plaintiff was a pretrial detainee proceeding pro se and in forma pauperis. He alleged under 42 U.S.C. § 1983 that detention officials bullied him by placing him in lockdown without disciplinary charges, confiscating his canteen and tablet, and repeatedly denying restoration of his privileges. He sued the defendants only in their official capacities and sought monetary damages and other relief unavailable against state officials in that posture.

PROCEDURAL HISTORY

Plaintiff initially filed a § 1983 complaint alleging constitutional violations arising from lockdown, confiscation of property, and denial of privileges. The magistrate judge advised that the complaint was subject to summary dismissal because Plaintiff sued the defendants only in their official capacities and sought monetary relief barred by the Eleventh Amendment, and allowed amendment. Plaintiff filed an amended complaint but did not cure the defect. The magistrate judge recommended dismissal without prejudice and without issuance or service of process. With no objections filed, the district court reviewed the record for clear error, adopted the Report and Recommendation, and dismissed the action.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270-71 (1976)
- United States v. Schronce, 727 F.2d 91, 94 & n.4
- Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (2005)
- Thomas v. Arn, 474 U.S. 140, 147 (1985)
- Camby v. Davis, 718 F.2d 198, 199

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