

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

Robert Anthony Smith v. Alan Wilson, Attorney General, Hobart
Lewis, Greenville Sheriff; Leila Foster, Magistrate; Cindy Crick,
Solicitor/Ex Greenville lawyer; State of South Carolina

Smith v. Wilson · No. 6:25-cv-12308-JDA · Decided December 11, 2025

SUMMARY

The United States District Court for the District of South Carolina reviewed objections to a magistrate judge’s recommendation in a 42 U.S.C. § 1983 action. The court overruled the objections, accepted the Report and Recommendation, and dismissed the action without issuance or service of process, without leave to amend, and without prejudice, based on deficiencies including immunity, lack of state action, failure to state a claim, and Younger abstention. The plaintiff’s motion to appoint counsel was found moot.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Greenville Division
WRITING FOR THE COURT	Jacquelyn D. Austin
JURISDICTION	United States District Court for the District of South Carolina, Greenville Division
DECIDED	December 11, 2025
DOCKET	6:25-cv-12308-JDA
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal of a pro se 42 U.S.C. § 1983 complaint without issuance and service of process and without leave to amend. After reviewing the plaintiff's objections de novo, the district court accepted the Report and Recommendation and dismissed the action without prejudice.
STANDARD OF REVIEW	The district court conducts de novo review of portions of a magistrate judge's report to which a specific objection is made and reviews the report for clear error in the absence of a timely objection.

TOPICS

section 1983 civil rights civil procedure criminal procedure sovereign immunity

PRACTICE AREAS

Civil rights Federal civil procedure Criminal procedure

QUESTIONS PRESENTED

1. Whether the district court should accept the magistrate judge's Report and Recommendation after conducting the required review of the plaintiff's objections.
2. Whether the plaintiff stated a viable claim under 42 U.S.C. § 1983 against the named defendants.
3. Whether prosecutorial immunity, judicial immunity, and the absence of state action barred claims against certain defendants.
4. Whether Younger abstention barred claims seeking to interfere with or challenge pending state criminal proceedings and related incarceration.
5. Whether the plaintiff's speedy-trial allegations could be litigated in the federal § 1983 action or instead should be raised as a defense in the ongoing state criminal proceedings.

HOLDINGS

1. When a party makes a specific objection to a magistrate judge's report, the district court must conduct a de novo determination of the challenged portion; absent a timely objection, clear-error review is sufficient.
2. The plaintiff failed to state viable claims for relief under 42 U.S.C. § 1983, including because he made no specific allegations against several defendants and failed to establish supervisory liability against the supervisory defendants.
3. The plaintiff's claims against the solicitor and magistrate were barred by prosecutorial and judicial immunity because the alleged actions fell within their prosecutorial and judicial roles, and the claims against the public defender failed because the public defender was not alleged to be a state actor.
4. To the extent the plaintiff sought to challenge pending criminal charges or his present incarceration, his claims were barred by the Younger abstention doctrine.
5. The plaintiff could present his speedy-trial arguments as part of his defense in the ongoing state criminal proceedings rather than obtain relief through this federal action.

KEY QUOTATIONS

"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."

“Plaintiff may present arguments that his speedy trial rights were violated as part of his defense in his ongoing criminal proceedings.” (Doc. 9 at 15–17)

FACTUAL BACKGROUND

The plaintiff brought a § 1983 action against South Carolina's attorney general, a Greenville sheriff, a magistrate, a solicitor, the State of South Carolina, and a public defender. The complaint and objections concerned alleged constitutional violations, including an alleged denial of speedy-trial rights, and sought relief related to pending state criminal charges and the plaintiff's incarceration. The district court concluded that the claims were deficient because of, among other things, lack of specific allegations, failure to establish supervisory liability, prosecutorial and judicial immunity, lack of state-action status for the public defender, the State's non-person status under § 1983, and Younger abstention.

PROCEDURAL HISTORY

The complaint was filed on September 5, 2025, and referred to Magistrate Judge William S. Brown for pretrial proceedings. The magistrate judge recommended dismissal on September 10, 2025; the plaintiff filed objections on September 24, 2025, and moved for appointment of counsel the following day. The district court conducted de novo review of the challenged portions, overruled the objections, adopted and incorporated the Report and Recommendation, dismissed the action without prejudice and without leave to amend, and found the motion to appoint counsel moot.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270–71 (1976)
- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Shaw v. Stroud, 13 F.3d 791, 799 (4th Cir. 1994)
- Gilliam v. Foster, 75 F.3d 881, 904 (4th Cir. 1996)
- Weitzel v. Division of Occupational & Professional Licensing, 240 F.3d 871, 876 (10th Cir. 2001)

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