

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Thomas v. Cox

No. 6:25-cv-13866-RMG-KFM (D.S.C. Mar. 23, 2026) · No. 6:25-cv-13866-RMG-KFM · Decided March 23,
2026

SUMMARY

A United States Magistrate Judge recommends dismissal without prejudice and without leave to amend of Michael Thomas’s 42 U.S.C. § 1983 action against M. Cox and Captain Blakely. The recommendation concludes that the action is duplicative of an earlier pending case involving the same March 11, 2025 food-tray incident. The report also provides notice of the parties’ right to file objections within fourteen days.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Kevin F. McDonald
JURISDICTION	United States District Court for the District of South Carolina, Greenville Division
DECIDED	March 23, 2026
DOCKET	6:25-cv-13866-RMG-KFM
DISPOSITION	other
PROCEDURAL POSTURE	Magistrate judge's report and recommendation to dismiss prisoner civil rights complaint as duplicative of prior filed action.
STANDARD OF REVIEW	The court screened the complaint under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A, which permit dismissal for failure to state a claim, frivolousness, or immunity.
PRECEDENTIAL VALUE	non_precedential

TOPICS

- section 1983
- prisoners rights
- civil rights
- civil procedure
- motions to dismiss

PRACTICE AREAS

- civil rights
- prisoners rights
- civil procedure

QUESTIONS PRESENTED

1. Whether the plaintiff's § 1983 complaint should be dismissed as duplicative of a prior pending action.

HOLDINGS

1. A federal court may dismiss a duplicative lawsuit for reasons of wise judicial administration whenever it is duplicative of a parallel action already pending.

KEY QUOTATIONS

"Generally, a case pending in federal court 'may be dismissed for reasons of wise judicial administration whenever it is duplicative of a parallel action already pending in another federal court.'" (at 3)

"The plaintiff is warned that if the United States District Judge assigned to this matter adopts this report and recommendation, the dismissal of this action could later be deemed a strike under the three-strikes rule." (at 4)

FACTUAL BACKGROUND

Plaintiff, a state prisoner, alleged that on March 11, 2025, defendant Ofc. Cox slammed a food tray flap on his hand after a dispute over a breakfast tray lacking bread. Plaintiff was treated for the hand injury. He attempted to file a grievance but was told the video evidence was too blurry. Defendant Cpt. Blakely charged him with a disciplinary infraction related to the incident.

PROCEDURAL HISTORY

Plaintiff, a pro se state prisoner, filed this § 1983 action alleging constitutional violations related to a food flap incident. The matter was referred to a magistrate judge for pretrial review. The magistrate judge recommended dismissal without prejudice as duplicative of another pending case (*Thomas v. Cox*, C/A No. 6:25-cv-12065-RMG-KFM).

DISPOSITION

other

CASES CITED

- *Erickson v. Pardus*, 551 U.S. 89 (2007)
- *Weller v. Dep't of Soc. Servs.*, 901 F.2d 387 (4th Cir. 1990)
- *Albright v. Oliver*, 510 U.S. 266 (1994)
- *Rehberg v. Paulk*, 566 U.S. 356 (2012)
- *West v. Atkins*, 487 U.S. 42 (1988)
- *Colo. River Water Conservation Dist. v. United States*, 424 U.S. 800 (1976)
- *Nexsen Pruet, LLC v. Westport Ins. Corp.*, No. 3:10-cv-00895-JFA, 2010 WL 3169378 (D.S.C. Aug. 5, 2010)
- *Motley Rice, LLC v. Baldwin & Baldwin, LLP*, 518 F. Supp. 2d 688 (D.S.C. 2007)

- New Beckley Mining Corp. v. Int'l Union, United Mine Workers of Am., 946 F.2d 1072 (4th Cir. 1991)
- LaDuke v. Burlington N. R.R., 879 F.2d 1556 (7th Cir. 1989)
- Van Dusen v. Barrack, 376 U.S. 612 (1964)
- Britt v. DeJoy, 49 F.4th 790 (4th Cir. 2022)
- Pitts v. South Carolina, 65 F.4th 141 (4th Cir. 2023)
- Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310 (4th Cir. 2005)
- Thomas v. Arn, 474 U.S. 140 (1985)
- Wright v. Collins, 766 F.2d 841 (4th Cir. 1985)
- United States v. Schronce, 727 F.2d 91 (4th Cir. 1984)

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