

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Mark Roote v. Kershaw County, Kershaw County Sheriff's Office,
Sheriff Lee Boan, and Danny Templar

Roote · No. 3:25-cv-1392-SAL · Decided March 5, 2026

SUMMARY

The United States District Court for the District of South Carolina grants Defendants’ motion for summary judgment on the plaintiff’s federal constitutional claims arising from his removal and arrest at a Kershaw County Council meeting. The court rejects claims alleging excessive force, First Amendment retaliation, viewpoint discrimination, and municipal liability under Monell. The court dismisses the constitutional claims with prejudice and remands the remaining state-law claims to the Kershaw County Court of Common Pleas.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Sherri A. Lydon
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	March 5, 2026
DOCKET	3:25-cv-1392-SAL
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation de novo as to specific objections and for clear error as to the remainder. The court considered Defendants' motion for summary judgment on federal constitutional and state-law claims.
STANDARD OF REVIEW	The district court reviewed specific objections to the magistrate judge's Report and Recommendation de novo, and reviewed general or insufficient objections for clear error. Summary judgment was reviewed under Federal Rule of Civil Procedure 56, viewing the facts and reasonable inferences in the light most favorable to the nonmoving party.
PRECEDENTIAL VALUE	district court opinion; precedential status not stated

PARTIES

Mark Roote v. Kershaw County, Kershaw County Sheriff's Office,
Sheriff Lee Boan, Danny Templar

TOPICS

summary judgment

first amendment

section 1983

civil rights

municipal liability

PRACTICE AREAS

constitutional law

civil rights

civil procedure

municipal liability

remedies

QUESTIONS PRESENTED

1. Whether Sheriff Boan used excessive force in violation of the Fourth Amendment when removing and arresting Roote.
2. Whether Boan and Templar retaliated against Roote in violation of the First Amendment because of his critical speech.
3. Whether Boan and Templar engaged in unconstitutional viewpoint discrimination by enforcing the county council's speaking-time restrictions against Roote.
4. Whether Kershaw County could be held liable under Monell for an unconstitutional policy, decision, failure to train, or widespread practice concerning speech-time limits and speaker removal.
5. Whether the court should exercise supplemental jurisdiction over the remaining state-law claims after dismissing all federal claims.

HOLDINGS

1. Sheriff Boan's use of force was objectively reasonable and not excessive because Roote refused multiple directives, disrupted the meeting, and physically resisted removal, while the force used was minimal and reasonably necessary to overcome that resistance.
2. Roote's First Amendment retaliation claim failed because he did not show that his protected speech was the but-for cause of his arrest and removal.
3. Roote failed to establish viewpoint discrimination because he presented no evidence that the council's speaking-time restrictions were applied selectively based on viewpoint.
4. Kershaw County was entitled to summary judgment because Roote identified no express unconstitutional policy, final policymaker decision supported by evidence, failure-to-train theory, or persistent and widespread unconstitutional practice.
5. After dismissing the federal claims at an early stage, the court declined to exercise supplemental jurisdiction over the remaining state-law claims and remanded them to the Kershaw County Court of Common Pleas.

KEY QUOTATIONS

“For a successful First Amendment retaliation claim, a plaintiff must demonstrate (1) he engaged in protected First Amendment activity, (2) the defendant took some action that adversely affected his First Amendment rights, and (3) there was a causal relationship between his protected activity and the defendant’s conduct.” (at 10)

“The causation requirement is rigorous—it is not enough that the protected expression played a role or motivated the retaliation; a plaintiff must show that his speech was the “but for” cause of the adverse action.” (at 10-11)

“A policy or custom can be expressed in several ways: (1) through an express policy, such as a written ordinance or regulation; (2) through the decisions of a person with final policymaking authority; (3) through an omission, such as a failure to properly train officers, that manifest[s] deliberate indifference to the rights of citizens; or (4) through a practice that is so persistent and widespread as to constitute a custom or usage with the force of law.” (at 12)

FACTUAL BACKGROUND

At a Kershaw County Council meeting, public comment was limited to thirty minutes divided among nine speakers, with each speaker allotted approximately three minutes and twenty seconds. Roote continued speaking after his time expired, refused repeated instructions to leave the podium and yield the floor, and passively resisted when Sheriff Boan and a deputy attempted to remove him. Boan arrested Roote, who was later charged with disorderly conduct and resisting arrest; those charges remained pending when the district court ruled.

PROCEDURAL HISTORY

Roote filed claims under the First and Fourth Amendments, 42 U.S.C. § 1983, Monell, and state law arising from his removal and arrest at a county council meeting. The magistrate judge recommended granting summary judgment to Defendants and remanding the remaining state-law claims to the Kershaw County Court of Common Pleas. After reviewing Roote's objections, the district court adopted the Report as modified, granted summary judgment, dismissed the constitutional claims with prejudice, and remanded the state-law claims.

DISPOSITION

other

REMAND INSTRUCTIONS

The remaining state-law claims are remanded to the Kershaw County Court of Common Pleas. The federal constitutional claims are dismissed with prejudice.

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270-71 (1976)
- Elijah v. Dunbar, 66 F.4th 454, 459-60 (4th Cir. 2023)
- United States v. Midgett, 478 F.3d 616, 622 (4th Cir. 2007)
- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310, 315 (4th Cir. 2005)

- *Field v. McMaster*, 663 F. Supp. 2d 449, 451-52 (D.S.C. 2009)
- *Lombardo v. City of St. Louis*, 594 U.S. 464, 466 n.2 (2021)
- *Somers v. Devine*, 132 F.4th 689, 698-99 (4th Cir. 2025)
- *Graham v. Connor*, 490 U.S. 386, 396 (1989)
- *J.W. ex rel. Wikle v. Corporal Carrier*, 645 F. App'x 263, 264 (4th Cir. 2016)
- *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994)
- *Wallace v. Kato*, 549 U.S. 384, 393-94 (2007)
- *Jones v. Solomon*, 90 F.4th 198, 213 (4th Cir. 2024)
- *Huang v. Board of Governors of the University of North Carolina*, 902 F.2d 1134, 1140 (4th Cir. 1990)
- *Raub v. Campbell*, 785 F.3d 876, 885 (4th Cir. 2015)
- *Davison v. Rose*, 19 F.4th 626, 635-37 (4th Cir. 2021)
- *White Coat Waste Project v. Greater Richmond Transit Co.*, 35 F.4th 179, 196 (4th Cir. 2022)
- *Steinburg v. Chesterfield County Planning Commission*, 527 F.3d 377, 385 (4th Cir. 2008)
- *Eichenlaub v. Township of Indiana*, 385 F.3d 274, 281 (3d Cir. 2004)
- *Davison v. Plowman*, 247 F. Supp. 3d 767 (E.D. Va. 2017), *aff'd*, 715 F. App'x 298 (4th Cir. 2018)
- *Owens v. Baltimore City State's Attorneys Office*, 767 F.3d 379, 402 (4th Cir. 2014)
- *Howard v. City of Durham*, 68 F.4th 934, 952 (4th Cir. 2023)
- *Starbuck v. Williamsburg James City County School Board*, 28 F.4th 529, 533 (4th Cir. 2022)
- *Spell v. McDaniel*, 824 F.2d 1380, 1387 (4th Cir. 1987)
- *Austin v. Paramount Parks, Inc.*, 195 F.3d 715 (4th Cir. 1999)
- *Charette v. Wexford Health Sources, Inc.*, No. CV CCB-19-0033, 2021 WL 1102361, at *6 (D. Md. Mar. 23, 2021)
- *Semple v. City of Moundsville*, 195 F.3d 708 (4th Cir. 1999)
- *Orozco v. Yakima Sheriff's Office*, No. 1:22-CV-03058-SAB, 2024 WL 1337174 (E.D. Wash. Mar. 28, 2024)
- *Henderson v. Harmon*, 102 F.4th 242, 251 (4th Cir. 2024)