

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Thomas Carroll Cooper, III v. Director Greenville County Detention
Center

C/A No. 9:25-cv-13868-TMC-MHC · No. C/A No. 9:25-cv-13868-TMC-MHC · Decided March 9, 2026

SUMMARY

The Report and Recommendation addresses a pro se habeas petition filed by a pretrial detainee challenging pending South Carolina criminal charges. The magistrate judge recommends dismissal without prejudice because the petition was unsigned, failed to request relief, improperly invoked 28 U.S.C. § 2254 rather than § 2241, was barred by Younger abstention, and was not brought into proper form after notice.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	United States Magistrate Judge
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	March 9, 2026
DOCKET	C/A No. 9:25-cv-13868-TMC-MHC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Report and recommendation on a pro se pretrial detainee's habeas petition, recommending dismissal without prejudice and without requiring the respondent to file a return.
STANDARD OF REVIEW	Screening under Rule 4 of the Rules Governing § 2254 Cases, with liberal construction of the pro se petition; the recommendation also invokes dismissal under Federal Rule of Civil Procedure 41 for failure to comply with a court order.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Thomas Carroll Cooper, III v. Director Greenville County Detention Center

TOPICS

federal habeas corpus

habeas corpus

criminal procedure

civil procedure

PRACTICE AREAS

habeas corpus

criminal procedure

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the unsigned and incomplete petition should be summarily dismissed for failure to comply with Federal Rule of Civil Procedure 11(a) and the habeas pleading requirements.
2. Whether § 2254 applies to a pretrial detainee who is not in custody pursuant to a state-court judgment.
3. Whether a pretrial challenge to pending state criminal proceedings is barred by Younger abstention absent special or extraordinary circumstances.
4. Whether dismissal is appropriate because petitioner failed to comply with the order requiring him to bring the case into proper form.

HOLDINGS

1. The unsigned petition is subject to summary dismissal because an unrepresented party must personally sign a pleading, written motion, or other paper.
2. The petition is subject to summary dismissal because it does not state the relief requested as required by Rule 2(c) of the Rules Governing § 2254 Cases.
3. Section 2254 does not apply because petitioner is not in custody pursuant to a state-court judgment; a pretrial habeas challenge is instead governed by § 2241.
4. To the extent petitioner sought to challenge pending state criminal charges under § 2241, the federal court should abstain under Younger because the state proceedings were ongoing, implicated important state interests, and provided an adequate opportunity to raise federal claims, and no special circumstances were shown.
5. Dismissal is alternatively appropriate under Federal Rule of Civil Procedure 41 because petitioner failed to comply with an order requiring him to submit a signed petition and a completed, signed § 2241 form after being warned that noncompliance could result in dismissal.

KEY QUOTATIONS

“In Younger v. Harris, 401 U.S. 37 (1971), the United States Supreme Court held that a federal court should not equitably interfere with state criminal proceedings “except in the most narrow and extraordinary of circumstances.”” (III.D)

“Accordingly, it is RECOMMENDED that the Petition in this action be DISMISSED without prejudice and without requiring Respondent to file a return.” (IV)

FACTUAL BACKGROUND

Cooper was a pretrial detainee at the Greenville County Detention Center with pending South Carolina charges for driving under the influence, driving under suspension, kidnapping, and carjacking. He filed an unsigned and incomplete habeas form labeled under § 2254 and identified ineffective assistance of counsel as his ground for relief, but did not state the relief requested. After being directed to submit a signed petition and a completed and signed § 2241 form, he failed to provide the required materials.

PROCEDURAL HISTORY

Petitioner filed an unsigned and incomplete petition using a 28 U.S.C. § 2254 form, alleging ineffective assistance of counsel and challenging pending state criminal charges. The magistrate judge notified him that the petition would be treated under § 2241 and directed him to submit a signed petition and a completed, signed AO-242 form. Petitioner did not comply, and the magistrate judge recommended dismissal for failure to sign, failure to request relief, inapplicability of § 2254, Younger abstention, and failure to bring the case into proper form.

DISPOSITION

dismissed

CASES CITED

- Denton v. Hernandez, 504 U.S. 25 (1992)
- Neitzke v. Williams, 490 U.S. 319, 324-25 (1989)
- Haines v. Kerner, 404 U.S. 519 (1972)
- Todd v. Baskerville, 712 F.2d 70 (4th Cir. 1983)
- Aloe Creme Labs., Inc. v. Francine Co., 425 F.2d 1295, 1296 (5th Cir. 1970)
- Colonial Penn Ins. Co. v. Coil, 887 F.2d 1236, 1239 (4th Cir. 1989)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Weller v. Dep't of Soc. Servs., 901 F.2d 387 (4th Cir. 1990)
- Ashcroft v. Iqbal, 556 U.S. 662, 684 (2009)
- Kadik v. Perry Cnty., No. 6:18-CR-306-HRW-MAS, 2018 WL 7107200 (E.D. Ky. Dec. 26, 2018)
- Dickerson v. Louisiana, 816 F.2d 220, 224-27 (5th Cir. 1987)
- United States v. Tootle, 65 F.3d 381, 383 (4th Cir. 1995)
- Brown v. Estelle, 530 F.2d 1280, 1283 (5th Cir. 1976)
- Younger v. Harris, 401 U.S. 37, 43-44 (1971)
- Gilliam v. Foster, 75 F.3d 881, 903 (4th Cir. 1996)
- Martin Marietta Corp. v. Md. Comm'n on Human Relations, 38 F.3d 1392, 1396 (4th Cir. 1994)
- Middlesex Cnty. Ethics Comm'n v. Garden State Bar Ass'n, 457 U.S. 423, 432 (1982)
- Kelly v. Robinson, 479 U.S. 36, 49 (1986)
- Kugler v. Helfant, 421 U.S. 117, 124 (1975)
- Boyd v. South Carolina, No. 1:11-cv-02981-TMC-SVH, 2012 WL 786341, at *2 (D.S.C. Feb. 10, 2012)
- Moore v. DeYoung, 515 F.2d 437, 449 (3d Cir. 1975)

- Drayton v. Hayes, 589 F.2d 117, 121 (2d Cir. 1978)
- United States v. MacDonald, 435 U.S. 850 (1978)
- Link v. Wabash R.R. Co., 370 U.S. 626 (1962)
- Ballard v. Carlson, 882 F.2d 93, 95-96 (4th Cir. 1989)
- Diamond v. Colonial Life & Accident Insurance 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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