

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Ismail O. Dickerson v. 15th Judicial Circuit Solicitor's Office; Jimmy
A. Richardson, II; Morgan O'Bryan Martin; Dylan Bagnal; and
George Debusk

Dickerson · No. 4:25-cv-6192-JD-SVH · Decided January 14, 2026

SUMMARY

The United States District Court for the District of South Carolina overruled Ismail O. Dickerson’s objections to a magistrate judge’s recommendation of dismissal. The court held that the claims concerning alleged withholding of exculpatory evidence were barred by absolute prosecutorial immunity and that the Solicitor’s Office was not subject to liability under 42 U.S.C. § 1983. The court dismissed the action at the screening stage, denied appointment of counsel, and notified the parties of their right to appeal.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Joseph Dawson, III
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	January 14, 2026
DOCKET	4:25-cv-6192-JD-SVH
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending summary dismissal of a pro se, in forma pauperis § 1983 action without issuance and service of process. The district court overruled the plaintiff's objections, adopted the Report in full, dismissed the action at the screening stage, and denied the plaintiff's motion for appointment of counsel.
STANDARD OF REVIEW	De novo review of the portions of the magistrate judge's Report and Recommendation to which specific objections were made; statutory screening under 28 U.S.C. § 1915(e)(2)(B).
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

PARTIES

Ismail O. Dickerson v. 15th Judicial Circuit Solicitor's Office, Jimmy A. Richardson, II, Morgan O'Bryan Martin, Dylan Bagnal, George Debusk

TOPICS

section 1983 prisoners rights eleventh amendment immunity motions to dismiss appellate procedure

PRACTICE AREAS

civil rights constitutional law federal civil procedure prisoner litigation

QUESTIONS PRESENTED

1. Whether the plaintiff's § 1983 damages claims based on alleged withholding of Brady material were barred by absolute prosecutorial immunity.
2. Whether the 15th Judicial Circuit Solicitor's Office could be held liable under § 1983 or was immune under the Eleventh Amendment.
3. Whether the action was subject to summary dismissal at the initial screening stage under 28 U.S.C. § 1915(e)(2)(B).
4. Whether the plaintiff demonstrated exceptional circumstances warranting appointment of counsel under 28 U.S.C. § 1915(e)(1).

HOLDINGS

1. Prosecutors are absolutely immune from § 1983 damages claims based on decisions concerning evaluation and disclosure of evidence, including alleged deliberate withholding of Brady material, because those decisions are advocative conduct intimately associated with the judicial phase of the criminal process.
2. The investigative exception recognized in *Burns v. Reed* did not apply because the challenged conduct involved post-prosecution evidence evaluation, Brady compliance, and preparation of the criminal case for trial rather than pre-prosecution legal advice to police.
3. Alleged violations of state professional conduct rules do not strip prosecutors of absolute immunity for advocative conduct and do not independently provide a cause of action under § 1983.
4. The 15th Judicial Circuit Solicitor's Office is an arm of the State rather than a municipal entity subject to suit under § 1983 and is immune under the Eleventh Amendment. In any event, the plaintiff failed to allege a plausible policy, custom, or failure-to-train theory.
5. Appointment of counsel was not warranted because the plaintiff failed to demonstrate exceptional circumstances; the dispositive issue was a purely legal question and the action was subject to dismissal at screening.

KEY QUOTATIONS

“The decision, therefore, draws a clear distinction between pre-prosecution investigative advice and advocative conduct associated with judicial proceedings.” (at 5)

“The conduct alleged falls squarely within the core prosecutorial functions for which absolute immunity applies.” (at 5)

“At the initial review stage under § 1915(e)(2)(B), the Court must dismiss claims that are legally barred on their face.” (at 6)

FACTUAL BACKGROUND

Plaintiff, proceeding pro se and in forma pauperis, brought a 42 U.S.C. § 1983 action against a South Carolina solicitor's office and several current or former solicitors. He alleged that the defendants violated his constitutional rights by withholding exculpatory evidence during his state criminal prosecution. He also sought appointment of counsel based on indigence, incarceration, limited education, health issues, and the complexity of the legal issues.

PROCEDURAL HISTORY

Magistrate Judge Shiva V. Hodges issued a Report and Recommendation on June 30, 2025, recommending dismissal under 28 U.S.C. § 1915(e)(2)(B). Plaintiff filed objections on July 17, 2025, and later moved for appointment of counsel. The district court conducted de novo review of the portions objected to, overruled the objections, adopted the Report, dismissed the action without issuance and service of process, and denied appointment of counsel.

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 (4th Cir. 1984)
- 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 (4th Cir. 1983)
- Imbler v. Pachtman, 424 U.S. 409, 427-28, 430-31 & n.34 (1976)
- Van de Kamp v. Goldstein, 555 U.S. 335, 344-45 (2009)
- Annappareddy v. Pascale, 996 F.3d 120, 141 (4th Cir. 2021)
- Carter v. Burch, 34 F.3d 257, 263 (4th Cir. 1994)
- Nero v. Mosby, 890 F.3d 106, 118-20 (4th Cir. 2018)
- Burns v. Reed, 500 U.S. 478, 491-93 (1991)
- Connick v. Thompson, 563 U.S. 51 (2011)
- Whisenant v. Yuam, 739 F.2d 160, 163 (4th Cir. 1984)

- Jenkins v. Woodard, 109 F.4th 242, 252-54 (4th Cir. 2024)

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