

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Marquette Marshall v. JP Morgan Chase Bank N.A.

Marshall · No. 1:25-cv-14015-JFA-PJG · Decided February 23, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts a Magistrate Judge’s Report and Recommendation and dismisses, without prejudice and without service of process, Marquette Marshall’s amended complaint against JP Morgan Chase Bank N.A. The court concludes that the action is duplicative of the plaintiff’s prior frivolous litigation and rejects the plaintiff’s objections concerning duplicative litigation and the need for an independent Rule 8 plausibility analysis.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	February 23, 2026
DOCKET	1:25-cv-14015-JFA-PJG
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff objected to a Magistrate Judge's Report and Recommendation recommending summary dismissal of the amended complaint as duplicative of prior frivolous litigation. The district court conducted de novo review of the portions specifically objected to, adopted the Report and Recommendation, and dismissed the amended complaint without prejudice and without issuance and service of process.
STANDARD OF REVIEW	The district court conducts de novo review of portions of a Magistrate Judge's Report and Recommendation to which a specific objection is made, and reviews unobjected-to portions, including portions subject only to general or conclusory objections, for clear error.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Marquette Marshall v. JP Morgan Chase Bank N.A.

TOPICS

- civil procedure
- pleadings
- motions to dismiss

PRACTICE AREAS

civil procedure

consumer litigation

in forma pauperis litigation

QUESTIONS PRESENTED

1. Whether an in forma pauperis action may be summarily dismissed as duplicative when the earlier action asserting identical claims has already been dismissed.
2. Whether the district court was required to conduct an independent Rule 8 and plausibility analysis in addition to dismissing the amended complaint as duplicative or frivolous.
3. What standard of review governs a district court's consideration of objections to a Magistrate Judge's Report and Recommendation.

HOLDINGS

1. When screening an action under 28 U.S.C. § 1915, a repetitive action asserting claims identical to claims previously dismissed may be summarily dismissed as frivolous; both actions need not remain active simultaneously.
2. The court was not required to conduct a separate Rule 8 and plausibility analysis where the amended complaint was properly subject to summary dismissal as duplicative or, alternatively, frivolous for the reasons addressed in the prior action.
3. A district court must review de novo the specific portions of a Magistrate Judge's Report and Recommendation to which a specific written objection is made, while unobjected-to portions and portions challenged only by general or conclusory objections are reviewed for clear error.

KEY QUOTATIONS

“Numerous courts have held that when screening a case pursuant to § 1915, repetitive actions are subject to summary dismissal when asserting claims identical to those previously dismissed.”

“After a thorough review of the Report, the applicable law, and the record of this case, the Court finds no clear error in the Report.”

FACTUAL BACKGROUND

Marquette Marshall, proceeding pro se and in forma pauperis, filed an amended complaint against JP Morgan Chase Bank N.A. The district court determined that the amended complaint asserted claims identical to claims previously litigated and dismissed by Marshall in an earlier action, and therefore constituted repetitive or duplicative frivolous litigation.

PROCEDURAL HISTORY

The action was referred to a Magistrate Judge for initial review under 28 U.S.C. § 1915. The Magistrate Judge recommended summary dismissal because the action duplicated claims from Plaintiff's prior litigation. After Plaintiff filed objections, the district court reviewed the challenged portions de novo, found no clear error in the

remaining portions, adopted the Report and Recommendation, and dismissed the amended complaint without prejudice.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261 (1976)
- Carniewski v. West Virginia Board of Probation & Parole, 974 F.2d 1330 (4th Cir. 1992)
- Camby v. Davis, 718 F.2d 198, 199-200 (4th Cir. 1983)
- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310, 315-316 (4th Cir. 2005)
- Dunlap v. TM Trucking of the Carolinas, LLC, No. 0:15-cv-04009-JMC, 2017 WL 6345402, at *5 n.6 (D.S.C. Dec. 12, 2017)
- One Parcel of Real Property Known as 2121 E. 30th Street, 73 F.3d 1057, 1059 (10th Cir. 1996)
- Workman v. Perry, No. 6:17-cv-00765-RBH, 2017 WL 4791150, at *1 (D.S.C. Oct. 23, 2017)
- Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)
- Staley v. Norton, No. 9:07-0288-PMD, 2007 WL 821181, at *1 (D.S.C. Mar. 2, 2007)
- Howard v. Secretary of Health and Human Services, 932 F.2d 505, 509 (6th Cir. 1991)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- McWilliams v. State of Colorado, 121 F.3d 573, 575 (10th Cir. 1997)
- Wilson v. Lynaugh, 878 F.2d 846, 850 (5th Cir. 1989)
- Brown v. Plansky, 24 F. App'x 26, 27-28 (2d Cir. 2001)

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