

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PRECEDENTIAL VALUE	unpublished district court order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)

OPINION

IN THE UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA Marquette Marshall, C/A No. 1:25-cv-14015-JFA-PJG Plaintiff, v. ORDER JP Morgan Chase Bank N.A., Defendant. I. INTRODUCTION Marquette Marshall (“Plaintiff”), proceeding pro se, brings this action averring several claims against JP Morgan Chase Bank.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for initial review. Specifically, the Magistrate Judge assigned to this action performed an initial review of Plaintiff’s Amended Complaint pursuant to 28 U.S.C. § 1915, which permits an indigent litigant to commence an action in federal court without prepaying the administrative costs of proceeding with the lawsuit.

To protect against possible abuses of this privilege, the statute allows a district court to dismiss a case upon a finding that the action fails to state a claim on which relief may be granted or is frivolous or malicious. 28 U.S.C. § 1915(e)(2)(B)(i), (ii).

After reviewing the operative complaint, the Magistrate Judge prepared a thorough Report and Recommendation (“Report”). (ECF No. 10). Within the Report, the Magistrate Judge opines that this action should be summarily dismissed. *Id.* The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Thereafter, Plaintiff filed objections. (ECF No. 16). Thus, this matter is ripe for review. II. STANDARD OF REVIEW The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge’s Report to which an objection is made.

See 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate’s Report, this Court is not required to give an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Thus, the Court must only review those portions of the Report to which Petitioner has made a specific written objection. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 316 (4th Cir. 2005). “An objection is specific if it ‘enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties’ dispute.’” *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) (citing *One Parcel of Real Prop. Known as 2121 E. 30th St.*, 73 F.3d 1057, 1059 (10th Cir. 1996)). A specific objection to the Magistrate Judge’s Report thus requires more than a reassertion of arguments from the complaint or a mere citation to legal authorities. See *Workman v. Perry*, No. 6:17-cv-00765-RBH, 2017 WL 4791150, at *1 (D.S.C. Oct. 23, 2017).

A specific objection must “direct the court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). “Generally stated, nonspecific objections have the same effect as would a failure to object.” *Staley v. Norton*, No. 9:07-0288-PMD, 2007 WL 821181, at *1 (D.S.C. Mar. 2, 2007) (citing *Howard v. Secretary of Health and Human Services*, 932 F.2d 505, 509 (6th Cir.

1991)). The Court reviews portions “not objected to—including those portions to which only ‘general and conclusory’ objections have been made—for clear error.” *Id.* (citing *Diamond*, 416 F.3d at 315; *Camby*, 718 F.2d at 200; *Orpiano*, 687 F.2d at 47) (emphasis added).

Because Plaintiff is representing himself, these standards must be applied while liberally construing his filings in this case. See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). III.

DISCUSSION As stated above, the relevant facts and standards of law on this matter are incorporated from the Report and therefore no further recitation is necessary here. (ECF No. 10).

The Report ultimately concludes that this action is duplicative of prior frivolous litigation and should be summarily dismissed. Plaintiff lodges two objections to the Report. Each is addressed in turn. Initially, Plaintiff avers that “the Report misapplies the duplicative-litigation doctrine by treating a prior procedural dismissal as concurrent litigation.” (ECF No. 16, p. 1).

Plaintiff essentially alleges that a bar on duplicative litigation applies only when a plaintiff maintains two separate actions involving the same subject matter and the same parties at the same time. Plaintiff reasons that an earlier dismissal of identical claims should not bar this lawsuit. Plaintiff is incorrect. 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.

McWilliams v. State of Colo., 121 F.3d 573, 575 (10th Cir. 1997)(“Mr. McWilliams' present suit is duplicative of his earlier action, and therefore was appropriately dismissed as frivolous under § 1915(e).”); Wilson v. Lynaugh, 878 F.2d 846, 850 (5th Cir. 1989) (“To this end, IFP complaints may be dismissed as frivolous pursuant to § 1915(d) when they seek to relitigate claims which allege substantially the same facts arising from a common series of events which have already been unsuccessfully litigated by the IFP plaintiff.”); see also Brown v. Plansky, 24 F. App'x 26, 27-28 (2d Cir.

2001) (affirming the district court's sua sponte dismissal of a complaint that was duplicative of an action previously brought by the plaintiff). Thus, Plaintiff's contention that both cases must be active to incur dismissal as duplicative is incorrect and the objection is overruled. Plaintiff also avers that his prior lawsuit was dismissed pursuant to a “procedural waiver” and was not a substantive adjudication on the merits.

(ECF No. 16, p. 2). If true, this determination is irrelevant as both lawsuits assert identical frivolous arguments. However, a review of Plaintiff's prior action shows that it was indeed dismissed after a thorough review and substantive analysis. See C/A No. 1:25-2556-JFA, Report and Recommendation, ECF No. 26.

Accordingly, Plaintiff's baseless assertions to the contrary are meritless. In his second objection, Plaintiff asserts that the “Report fails to conduct an independent Rule 8 and plausibility analysis of the operative complaint.” (ECF No. 16, p. 2).

Here again, Plaintiff is incorrect, The Report clearly states that the Magistrate Judge conducted a review of Plaintiff's complaint and found it to be duplicative of Plaintiff's previous case. Accordingly, Plaintiff's claims were subject to summary dismissal as duplicative or, alternatively,

subject to dismissal as frivolous for the same reasons discussed in the order disposing of Plaintiff's prior action.

The undersigned has conducted a de novo review of Plaintiff's amended complaint and agrees that it is duplicative of Plaintiff's prior frivolous claims and therefore should be dismissed. Plaintiff's objections are therefore overruled. IV. CONCLUSION 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.

After a de novo review of each part of the Report to which Plaintiff specifically objected, the Court hereby adopts the Report and Recommendation. (ECF No. 10). For the reasons discussed above and in the Report, the Amended Complaint is summarily dismissed without prejudice and without issuance and service of process. IT IS SO ORDERED. Opeoeh 4 7 + February 23, 2026
Joseph F. Anderson, Jr. Columbia, South Carolina United States District Judge