

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA, SPARTANBURG DIVISION

Gary Lamont Petty v. Amy W. Cox, Megan Shropshire, A. Freeman,
Barry Barnette

Petty · No. 7:25-cv-00574-TMC · Decided December 5, 2025

SUMMARY

The United States District Court for the District of South Carolina adopted a magistrate judge’s recommendation and dismissed Gary Lamont Petty’s 42 U.S.C. § 1983 action without prejudice and without issuance or service of process. The court held that the defendant court clerks were entitled to quasi-judicial immunity, the solicitor was entitled to prosecutorial immunity, and Petty failed to plausibly allege actual injury or denial of access to the courts. The court also concluded that it lacked authority to direct state officials or courts to adjudicate Petty’s state post-conviction and related motions, and denied his request for appointed counsel.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Spartanburg Division
WRITING FOR THE COURT	Timothy M. Cain
JURISDICTION	United States District Court for the District of South Carolina, Spartanburg Division
DECIDED	December 5, 2025
DOCKET	7:25-cv-00574-TMC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Review of a magistrate judge's report and recommendation recommending dismissal of a pro se prisoner's 42 U.S.C. § 1983 action during statutory screening.
STANDARD OF REVIEW	The district court reviews de novo those portions of a magistrate judge's report and recommendation to which specific objections are made, and reviews unobjected-to portions for clear error. Pro se filings are construed liberally, but liberal construction does not permit the court to supply missing factual allegations.
PRECEDENTIAL VALUE	unpublished district court order

PARTIES

Gary Lamont Petty v. Amy W. Cox, Megan Shropshire, A. Freeman, Barry Barnette

TOPICS

section 1983 prisoners rights civil rights post-conviction relief civil procedure

PRACTICE AREAS

constitutional law civil rights litigation prisoner litigation federal civil procedure

QUESTIONS PRESENTED

1. Whether the claims for damages against the court clerks and deputy clerks were barred by quasi-judicial immunity.
2. Whether the claims for damages against the solicitor were barred by prosecutorial immunity.
3. Whether Petty plausibly alleged an actionable denial of access to the courts under the Fourteenth Amendment.
4. Whether the federal district court had authority to direct state officials or state courts to adjudicate state post-conviction proceedings and schedule hearings.
5. Whether appointment of counsel was warranted.

HOLDINGS

1. Court clerks and their deputies are entitled to quasi-judicial immunity from civil liability for acts integral to or intertwined with the judicial process, including filing documents, providing notice, and scheduling hearings.
2. A prosecutor is absolutely immune from a civil damages action under § 1983 for presenting the State's case and responding to motions as part of the prosecution.
3. A prisoner asserting denial of access to the courts must plead nonconclusory facts showing actual injury or prejudice, specifically that official conduct hindered efforts to pursue a legal claim.
4. A federal district court lacks jurisdiction to grant mandamus relief against state officials or to direct state courts to adjudicate state proceedings and schedule hearings.
5. Appointment of counsel was unwarranted because Petty did not show exceptional or unusual circumstances or that denial of counsel would result in a denial of due process.

KEY QUOTATIONS

“Clerks of court are afforded quasi-judicial immunity from suit involving “tasks so integral or intertwined with the judicial process that these persons are considered an arm of the judicial officer who is immune.””
(Discussion, clerks section)

“To raise a plausible claim that a prisoner has been unconstitutionally denied access to the courts, he cannot rely on conclusory allegations.” (Discussion, access-to-courts section)

“Accordingly, this action is hereby DISMISSED without prejudice and without issuance and service of process.” (Conclusion)

FACTUAL BACKGROUND

Petty alleged that Spartanburg County court clerks failed to notify him of a final order in his state post-conviction relief action and failed to file or schedule hearings on later motions. He further alleged that Spartanburg County Solicitor Barry Barnette interfered with the clerks' duties, prevented him from pursuing nonfrivolous litigation, controlled the state-court docket, and filed inadequate responses. Petty sought damages, injunctive and declaratory relief, and orders directing the state court to adjudicate his state proceedings and hold hearings.

PROCEDURAL HISTORY

Petty, a state prisoner proceeding pro se and in forma pauperis, filed a § 1983 action against state-court clerks and a county solicitor alleging interference with his access to state post-conviction proceedings and violations of the First and Fourteenth Amendments. The matter was referred to a magistrate judge, who recommended dismissal under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b), without prejudice and without issuance or service of process. After reviewing Petty's objections de novo, the district court adopted the Report and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- *Elijah v. Dunbar*, 66 F.4th 454, 459-61 (4th Cir. 2023)
- *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976)
- *United States v. Midgette*, 478 F.3d 616, 622 (4th Cir. 2007)
- *Dunlap v. TM Trucking of the Carolinas, LLC*, 288 F. Supp. 3d 654, 662 (D.S.C. 2017)
- *Greenspan v. Bros. Prop. Corp.*, 103 F. Supp. 3d 734, 737 (D.S.C. 2015)
- *Camby v. Davis*, 718 F.2d 198, 199-200 (4th Cir. 1983)
- *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)
- *Martin v. Duffy*, 858 F.3d 239, 245 (4th Cir. 2017)
- *Stratton v. Mecklenburg Cnty. Dep't of Soc. Servs.*, 521 F. App'x 278, 290 (4th Cir. 2013)
- *Beaudett v. City of Hampton*, 775 F.2d 1274, 1277-78 (4th Cir. 1985)
- *Whitesel v. Sengenberger*, 222 F.3d 861, 867 (10th Cir. 2000)
- *Pink v. Lester*, 52 F.3d 73, 78 (4th Cir. 1995)
- *Wiley v. Buncombe County*, 846 F. Supp. 2d 480, 485 (W.D.N.C. 2012), *aff'd*, 474 F. App'x 285 (4th Cir. 2012)
- *Lindsey v. Jewett*, No. 3:19-634, 2020 WL 4036198, at *4 (E.D. Va. July 17, 2020)

- Westpoint v. Wilson, No. 2:11-1480-RMG, 2011 WL 3490262, at *2 (D.S.C. Aug. 9, 2011)
- Wazney v. Campbell, No. 6:18-cv-2610-HMH, 2018 WL 6065499, at *1 (D.S.C. Nov. 20, 2018), aff'd sub nom. Wazney v. South Carolina, 767 F. App'x 562 (4th Cir. 2019)
- Bush v. Rauch, 38 F.3d 842, 847 (6th Cir. 1994)
- Wymore v. Green, No. 06-3395, 2007 WL 2340795, at *3 (10th Cir. 2007)
- Rodriguez v. Weprin, 116 F.3d 62, 67 (2d Cir. 1997)
- Arroyo v. Zamora, No. 3:17-cv-721-FDW-DCK, 2018 WL 1413195, at *4 (W.D.N.C. Mar. 21, 2018)
- Imbler v. Pachtman, 424 U.S. 409, 430-31 (1976)
- Cochran v. Morris, 73 F.3d 1310, 1317 (4th Cir. 1996)
- Lewis v. Casey, 518 U.S. 343, 351 (1996)
- Strickler v. Waters, 989 F.2d 1375, 1384 (4th Cir. 1993)
- In re Payne, 305 F. App'x 65, 66 (4th Cir. 2008)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)