

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Lipinski v. Warden, FCI Estill

Lipinski · No. 1:26-cv-279-JFA-SVH · Decided April 9, 2026

SUMMARY

The United States District Court for the District of South Carolina adopted the Magistrate Judge’s Report and Recommendation and dismissed Michelle Lipinski’s 28 U.S.C. § 2241 petition without prejudice. The court held that the petitioner’s allegations concerning an intrusive search, denial of PREA reporting assistance, and inadequate psychological care challenged conditions of confinement rather than the fact or duration of custody. The court declined to recharacterize the petition as a PREA or Bivens action, concluding that the alleged facts did not state viable Fourth, Fifth, or Eighth Amendment claims.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Joseph F. Anderson, Jr.
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	April 9, 2026
DOCKET	1:26-cv-279-JFA-SVH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241. The matter was referred to a magistrate judge for initial review, and the district court reviewed the magistrate judge's Report and Recommendation after petitioner filed objections.
STANDARD OF REVIEW	The district court conducts de novo review of portions of a magistrate judge's report to which a specific objection is made and reviews unobjected-to portions, including portions subject only to general or conclusory objections, for clear error. Pro se filings are liberally construed.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; precedential status not identified in the source
PARTIES	Michelle Lipinski v. Warden, FCI Estill

TOPICS

federal habeas corpus

prisoners rights

civil rights

constitutional law

due process

PRACTICE AREAS

federal habeas corpus

prisoners rights

civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether claims challenging the conditions of confinement, rather than the fact or duration of custody, may proceed through a petition under 28 U.S.C. § 2241.
2. Whether the alleged forced removal of a menstrual device stated a Fourth Amendment claim.
3. Whether the allegations of inadequate psychological treatment stated an Eighth Amendment deliberate-indifference claim.
4. Whether the alleged denial of access to PREA reporting procedures stated a Fifth Amendment due process claim.
5. Whether the court should recharacterize the § 2241 petition as a Bivens action or a PREA claim.

HOLDINGS

1. A § 2241 petition is not the appropriate vehicle for claims challenging the conditions of confinement rather than the fact or duration of custody.
2. The allegations did not state a Fourth Amendment claim because, even if true, they did not establish that the search was conducted in an unreasonable manner.
3. The allegations did not state an Eighth Amendment deliberate-indifference claim because they amounted to conclusory assertions and an apparent disagreement with the psychologist's decision regarding evaluation and treatment.
4. The allegations did not state a Fifth Amendment due process claim based on officials' alleged failure to provide assistance with PREA reporting.
5. The court declined to recharacterize the § 2241 petition as a PREA or Bivens action and dismissed it without prejudice, leaving petitioner free to pursue a future Bivens action.

KEY QUOTATIONS

“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.” (Section II)

“The searches must be done in a reasonable manner.” (Section III, Objection 2)

FACTUAL BACKGROUND

Following visitation, correctional officers allegedly forced Lipinski to remove a tampon, requiring exposure of intimate body areas. She alleged that the act lacked a lawful penological purpose, medical necessity, medical justification, emergency, or consent and occurred outside the presence of qualified medical personnel. She also

alleged that officials prevented her from filing a PREA report and that a psychologist failed to assist her, causing psychological harm.

PROCEDURAL HISTORY

Lipinski filed a § 2241 petition alleging unconstitutional conduct, sexual abuse, deliberate indifference to medical and psychological harm, and denial of access to PREA and administrative remedies. The magistrate judge recommended summary dismissal because the claims challenged conditions of confinement rather than the fact or duration of custody, PREA provided no private right of action, and the petition should not be recharacterized as a Bivens action. After de novo review of the specific objections and clear-error review of the remainder, the district court adopted the Report and Recommendation and dismissed the petition without prejudice and without requiring a return.

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, 315-16 (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 St., 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)
- Preiser v. Rodriguez, 411 U.S. 475, 498-99 (1973)
- Farabee v. Clarke, 967 F.3d 380 (4th Cir. 2020)
- Braddy v. Wilson, 580 Fed. App'x 172 (4th Cir. 2014)
- Bell v. Wolfish, 441 U.S. 520, 558, 560 (1979)
- DeShaney v. Winnebago County Department of Social Services, 489 U.S. 189, 196 (1989)
- Hewlett v. Goode, No. 7:20-CV-00494, 2020 WL 6136849, at *3 (W.D. Va. Oct. 19, 2020)

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