

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Michael Brandon Whetsell v. Lieutenant Williams, Kitchen
Supervisor

Civil Action No. 2:24-cv-6522-BHH (D.S.C. Mar. 12, 2026) · No. 2:24-cv-6522-BHH · Decided March 12,
2026

SUMMARY

The United States District Court for the District of South Carolina denied Defendant Lieutenant Williams’s motion for summary judgment in a prisoner civil-rights action concerning the alleged denial of kosher meals. The Court held that genuine disputes of material fact remained regarding whether Plaintiff’s religious practice was substantially burdened, whether Defendant was entitled to qualified immunity, and whether Plaintiff exhausted administrative remedies. The Court adopted the Magistrate Judge’s Report and Recommendation and dismissed the official-capacity claim for monetary damages under the Eleventh Amendment.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Bruce H. Hendricks
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	March 12, 2026
DOCKET	2:24-cv-6522-BHH
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a pro se 42 U.S.C. § 1983 action alleging that a detention-center lieutenant violated his First Amendment right to religious freedom by failing to provide a kosher diet. Defendant moved for summary judgment. After the magistrate judge recommended denial, Defendant objected, and the district court conducted de novo review of the objected-to portions.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law; evidence is viewed in the light most favorable to the nonmovant. The district court reviews de novo those portions of a magistrate judge's report to which specific objections are made.

TOPICS

prisoners rights

first amendment

free exercise clause

summary judgment

section 1983

PRACTICE AREAS

civil rights

constitutional law

prisoners rights

federal civil procedure

QUESTIONS PRESENTED

1. Whether Defendant was entitled to summary judgment on Plaintiff's First Amendment Free Exercise claim because Plaintiff's kosher diet had been approved.
2. Whether the evidence created a genuine dispute over whether Plaintiff was actually provided kosher meals and whether the alleged failure substantially burdened his religious practice.
3. Whether Defendant was entitled to qualified immunity at the summary-judgment stage.
4. Whether Plaintiff failed to exhaust administrative remedies under the detention center's grievance policy.
5. Whether Eleventh Amendment immunity barred Plaintiff's official-capacity claim for monetary damages under 42 U.S.C. § 1983.

HOLDINGS

1. Eleventh Amendment immunity bars Plaintiff's § 1983 claim against Defendant in her official capacity for monetary damages, while Defendant sued in her individual capacity is a person amenable to suit under § 1983.
2. Defendant was not entitled to summary judgment because the evidence created a genuine dispute of material fact as to whether Plaintiff was actually provided kosher meals and whether the failure substantially burdened his sincere religious practice.
3. Defendant was not entitled to summary judgment on qualified immunity because the genuine dispute of material fact concerning the alleged failure to provide kosher meals prevented resolution of the defense at that stage.
4. Defendant was not entitled to summary judgment on exhaustion because she failed to establish the requirements of the detention center's grievance procedure or explain why Plaintiff's submitted grievance did not comply with those requirements.
5. The court denied Defendant's motion for summary judgment because genuine disputes of material fact remained concerning the alleged denial of kosher meals and the resulting burden on Plaintiff's religious practice.

KEY QUOTATIONS

“the record indicates that in response to Plaintiff’s complaints on the issue, Defendant offered Plaintiff the choice of abandoning his religious diet or following his beliefs and going hungry.” (11)

“Here again, construing the limited evidence in the light most favorable to Plaintiff, the Court finds the two statements in Brown’s affidavit wholly insufficient to meet Defendant’s burden to prove the absence of exhaustion.” (12)

FACTUAL BACKGROUND

Whetsell, a Jewish detainee at the Dorchester County Detention Center, requested a strict kosher diet and was approved for kosher meals. He alleged in a verified complaint that the meals provided were not kosher, including meals prepared in a non-kosher kitchen or containing allegedly non-kosher combinations, and that he sometimes refused the meals and went without dinner. He further alleged that, when he complained, officials told him he could request removal from the kosher diet. Defendant submitted evidence showing approval of the diet and use of a third-party food provider, but did not submit evidence establishing that the meals were kosher or explaining the detention center's kosher-meal policy.

PROCEDURAL HISTORY

Whetsell filed an original verified complaint on November 15, 2024, and an amended complaint on December 12, 2024. Defendant moved for summary judgment on June 17, 2025, asserting lack of § 1983 amenability, failure to establish a constitutional violation, qualified immunity, and failure to exhaust administrative remedies. The magistrate judge recommended denial of the motion on January 6, 2026. The district court overruled the objections, adopted the Report and Recommendation, and denied summary judgment.

DISPOSITION

other

CASES CITED

- Goodman v. Diggs, 986 F.3d 493, 495 (4th Cir. 2021)
- Williams v. Griffin, 952 F.2d 820, 823 (4th Cir. 1991)
- Goldman v. Diggs, 986 F.3d 493, 499 (4th Cir. 2021)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)
- Perini Corp. v. Perini Constr., Inc., 915 F.2d 121, 123-24 (4th Cir. 1990)
- Mathews v. Weber, 423 U.S. 261 (1976)
- Ali v. Dixon, 912 F.2d 86, 89 (4th Cir. 1990)
- Greenhill v. Clarke, 944 F.3d 243, 253 (4th Cir. 2019)
- Firewalker-Fields v. Lee, 58 F.4th 104 (4th Cir. 2023)
- Lovelace v. Lee, 472 F.3d 174, 187 (4th Cir. 2006)
- Turner v. Safley, 482 U.S. 78, 89 (1987)