

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

Thomas Clement v. Johnathan McWhite and Kate McGrath

Clement v. McWhite · No. 6:24-cv-03863-DCC · Decided February 20, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts a magistrate judge’s recommendation and grants defendants’ motions concerning the plaintiff’s § 1983 malicious prosecution claims. The court concludes that one claim is barred because the underlying conduct remains subject to a state grand jury indictment and that the plaintiff failed to establish lack of probable cause for the other charge.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Greenville Division
WRITING FOR THE COURT	Donald C. Coggins, Jr.
JURISDICTION	United States District Court for the District of South Carolina, Greenville Division
DECIDED	February 20, 2026
DOCKET	6:24-cv-03863-DCC
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed de novo a magistrate judge's report and recommendation after Plaintiff objected. The court granted Defendant McGrath's motion to dismiss and Defendant McWhite's motion for summary judgment in Plaintiff's 42 U.S.C. § 1983 malicious-prosecution action.
STANDARD OF REVIEW	The district court conducted de novo review of portions of the magistrate judge's report to which specific objections were made, pursuant to 28 U.S.C. § 636(b). It reviewed unobjected portions for clear error. The court treated Defendant McWhite's motion as one for summary judgment because it considered matters outside the pleadings.
PRECEDENTIAL VALUE	unpublished district court order

PARTIES

Thomas Clement v. Johnathan McWhite, Kate McGrath

TOPICS

section 1983

prisoners rights

motions to dismiss

summary judgment

civil procedure

PRACTICE AREAS

civil rights litigation

prisoner civil rights

federal civil procedure

malicious prosecution

QUESTIONS PRESENTED

1. Whether Plaintiff could maintain a § 1983 malicious-prosecution claim based on conduct adopted into a pending State Grand Jury indictment.
2. Whether Plaintiff adequately alleged or established the absence of probable cause for the failure-to-stop-for-a-blue-light charge.
3. Whether Defendant McGrath's motion to dismiss and Defendant McWhite's motion for summary judgment should be granted.
4. Whether the district court should adopt the magistrate judge's report and recommendation after de novo review of Plaintiff's objections.

HOLDINGS

1. Plaintiff cannot maintain a § 1983 malicious-prosecution claim where the same underlying conduct was adopted into a State Grand Jury indictment and the state criminal proceeding remains pending; the claim was not plausibly stated, and abstention under *Younger* was appropriate.
2. Plaintiff's malicious-prosecution claim failed because he did not directly challenge the existence of probable cause for the failure-to-stop charge, and the record established probable cause through a county magistrate's determination.
3. After a specific objection, the district court must conduct a de novo determination of the challenged portion of the magistrate judge's report; unobjected portions are reviewed for clear error.

KEY QUOTATIONS

"Accordingly, Plaintiff cannot maintain a claim for malicious prosecution." (at 4)

"Accordingly, upon review, the Court finds that Plaintiff's malicious prosecution claim fails with respect to indictment number 2020GS2303804." (at 6)

FACTUAL BACKGROUND

Plaintiff alleged that Defendants violated his civil rights through malicious prosecution arising from two South Carolina indictments, one for drug trafficking and one for failure to stop for a blue light. The drug-trafficking conduct was later adopted into a State Grand Jury superseding indictment and remained pending, while the failure-to-stop charge was dismissed when the State Grand Jury indicted Plaintiff on other charges. Plaintiff

challenged probable cause and asserted that Defendant McGrath supplied false information, but Defendant McWhite was the arresting officer and the record included a county magistrate's probable-cause determination.

PROCEDURAL HISTORY

Plaintiff filed a civil-rights complaint concerning two South Carolina indictments: drug trafficking and failure to stop for a blue light. Defendant McGrath moved to dismiss, and Defendant McWhite moved to dismiss or alternatively for summary judgment. The magistrate judge recommended granting both motions. After Plaintiff filed objections, the district court conducted de novo review, adopted the recommendation, granted McGrath's motion to dismiss, and granted McWhite's motion for summary judgment.

DISPOSITION

other

CASES CITED

- Mathews v. Weber, 423 U.S. 261 (1976)
- Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Younger v. Harris, 401 U.S. 37 (1971)
- Gilliam v. Foster, 75 F.3d 881, 903 (4th Cir. 1996)
- Williams v. Maye, C/A No. 8:13-cv-02673-JMC, 2013 WL 5954801, at *3 (D.S.C. Nov. 7, 2013)
- Clinton v. Berkeley Cnty., C/A No. 3:08-cv-10, 2009 WL 35331, at *4 (N.D. W. Va. Jan. 6, 2009)
- Moore v. Barnes, C/A No. 2:23-cv-56-D, 2025 WL 2841495, at *17 (E.D.N.C. Sept. 30, 2025)
- Staggs v. Spartanburg Cnty. Det. Ctr., C/A No. 8:22-cv-3852-HMH-JDA, 2022 WL 17742423, at *6 (D.S.C. Nov. 30, 2022)
- Brooks v. Zorn, No. 2:22-cv-00739-DCN, 2024 WL 3982872, at *6 (D.S.C. Aug. 29, 2024)
- Hubbard v. Bohman, No. 1:11CV00716, 2013 WL 2645260, at *8 (M.D.N.C. June 11, 2013)