

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

**Tokumbo Howell v. Berkeley County Detention Center (Hill-Finklea),
Sheriff Duane Lewis, Nurse Ladson, Berkeley County Sheriff's Dept.**

Howell · No. 9:25-cv-13042-JDA-MHC · Decided March 27, 2026

SUMMARY

This Report and Recommendation addresses pro se pretrial detainee Tokumbo Howell’s 42 U.S.C. § 1983 claims concerning detention-center conditions, medical treatment, and alleged negligence. The magistrate judge recommends dismissal without prejudice, without leave to amend, and without issuance or service of process based on failure to state a claim and failure to bring the case into proper form.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Molly H. Cherry
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	March 27, 2026
DOCKET	9:25-cv-13042-JDA-MHC
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation in a pro se prisoner's 42 U.S.C. § 1983 action, recommending dismissal without prejudice, without leave to amend, and without issuance and service of process.
STANDARD OF REVIEW	The complaint was reviewed under 28 U.S.C. § 1915 and the Prison Litigation Reform Act. The court applied the liberal-construction standard for pro se pleadings, while requiring sufficient factual matter to state a plausible and cognizable claim under Rule 8.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Tokumbo Howell v. Berkeley County Detention Center (Hill-Finklea), Sheriff Duane Lewis, Nurse Ladson, Berkeley County Sheriff's Department

TOPICS

section 1983

prisoners rights

due process

pleadings

civil procedure

PRACTICE AREAS

civil rights litigation

prisoner litigation

federal civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the complaint stated a § 1983 claim against Sheriff Lewis and the Berkeley County Sheriff's Department when it alleged no specific facts connecting those defendants to constitutional violations.
2. Whether the Berkeley County Detention Center was a proper § 1983 defendant.
3. Whether the alleged mattress conditions, slip-and-fall incident, rude comments, lack of an x-ray, and denial of diabetic meals stated Fourteenth Amendment deliberate-indifference claims.
4. Whether the court could exercise federal jurisdiction over the alleged South Carolina negligence claims.
5. Whether dismissal was warranted because Howell failed to comply with the order requiring him to bring the case into proper form.

HOLDINGS

1. A § 1983 complaint must allege specific facts showing each defendant's personal involvement in the asserted constitutional violation; a supervisory-liability claim requires facts showing knowledge of a pervasive risk, deliberately indifferent or tacitly approving conduct, and an affirmative causal link. Howell alleged no such facts against Sheriff Lewis or the Sheriff's Department.
2. A detention center, as a building or group of buildings rather than a person or state actor, is not amenable to suit under 42 U.S.C. § 1983.
3. The alleged mattress deprivation, slip and fall, rude comments, failure to provide an x-ray, and denial of diabetic meals did not state a Fourteenth Amendment deliberate-indifference claim because Howell failed to allege a sufficiently serious deprivation, deliberate indifference to a serious risk, or facts showing that the defendants were responsible for the challenged conduct.
4. Because the complaint failed to state a valid federal claim and the parties were not alleged to be completely diverse, the court should not exercise supplemental jurisdiction over the South Carolina negligence claims.
5. Dismissal without prejudice was alternatively warranted under Federal Rule of Civil Procedure 41 because Howell failed to comply with an explicit order requiring him to provide summonses and completed USM-285 forms after being warned that noncompliance could result in dismissal.

KEY QUOTATIONS

“Deliberate indifference is a very high standard – a showing of mere negligence will not meet it.”

“It is well settled that rudeness and unprofessionalism by prison staff do not constitute a federal or constitutional violation under Section 1983.”

FACTUAL BACKGROUND

Howell was a pretrial detainee at the Berkeley County Detention Center. He alleged that he was given a thin mattress for two days, slipped in standing water caused by ceiling leaks, received only Tylenol instead of an x-ray after the fall, was denied diabetic meals, and was subjected to rude comments by Nurse Ladson. He sought ten million dollars in punitive and compensatory damages under § 1983 and apparently under state negligence law.

PROCEDURAL HISTORY

Howell, a pretrial detainee proceeding pro se, filed claims alleging unconstitutional conditions of confinement and inadequate medical care, together with South Carolina negligence claims. The magistrate judge had previously ordered him to bring the case into proper form and advised him of pleading deficiencies and the opportunity to amend. Howell failed to provide the required documents or file an amended complaint, leading to the recommendation that the action be dismissed.

DISPOSITION

other

CASES CITED

- Denton v. Hernandez, 504 U.S. 25 (1992)
- Neitzke v. Williams, 490 U.S. 319 (1989)
- Haines v. Kerner, 404 U.S. 519 (1972)
- Todd v. Baskerville, 712 F.2d 70 (4th Cir. 1983)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- King v. Rubenstein, 825 F.3d 206, 214 (4th Cir. 2016)
- Weller v. Dep't of Soc. Servs., 901 F.2d 387 (4th Cir. 1990)
- Ashcroft v. Iqbal, 556 U.S. 662, 684 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Trulock v. Freeh, 275 F.3d 391, 405 (4th Cir. 2001)
- White v. White, 886 F.2d 721, 723 (4th Cir. 1989)
- Wilkins v. Montgomery, 751 F.3d 214, 226 (4th Cir. 2014)
- Shaw v. Stroud, 13 F.3d 791, 799 (4th Cir. 1994)
- Allison v. California Adult Auth., 419 F.2d 822, 823 (9th Cir. 1969)
- Nelson v. Lexington Cnty. Det. Ctr., C/A No. 8:10-2988-JMC, 2011 WL 2066551, at *1 (D.S.C. May 26, 2011)
- Farmer v. Brennan, 511 U.S. 825, 834 (1994)
- Wilson v. Seiter, 501 U.S. 294, 297-98 (1991)
- Porter v. Clarke, 923 F.3d 348, 355 (4th Cir. 2019), as amended (May 6, 2019)
- Short v. Hartman, 87 F.4th 593, 607, 611-12 (4th Cir. 2023)

- *Mallory v. Dorchester Cnty. Det. Ctr.*, No. 2:23-CV-01688-RMG-MGB, 2024 WL 2159789, at *7 (D.S.C. Apr. 24, 2024)
- *Prigg v. Baltimore Cnty. Dep't of Corr.*, No. 1:23-cv-48-DLB, 2024 WL 1012885, at *6 (D. Md. Mar. 8, 2024)
- *Martin v. Gentile*, 849 F.2d 863, 870 (4th Cir. 1988)
- *Grayson v. Peed*, 195 F.3d 692, 695 (4th Cir. 1999)
- *Kingsley v. Hendrickson*, 576 U.S. 389, 396 (2015)
- *Leffall v. Johnson*, 48 F. App'x 104, 2002 WL 31017045
- *Reynolds v. Powell*, 370 F.3d 1028, 1031 (10th Cir. 2004)
- *Watkins v. Lancor*, No. 13-C-0007, 2013 WL 812521 (E.D. Wis. Mar. 5, 2013)
- *Morgan v. Buncombe Cnty.*, No. 1:16-cv-286-FDW, 2016 WL 4585900, at *2 (W.D.N.C. Sept. 1, 2016)
- *White v. Francis*, C/A No. 2:07-15, 2009 WL 302310, at *6 (N.D.W. Va. Feb. 5, 2009), *aff'd*, 378 F. App'x 371 (4th Cir. 2010)
- *Morrison v. Martin*, 755 F. Supp. 683, 687 (E.D.N.C. 1990), *aff'd*, 917 F.2d 1302 (4th Cir. 1990)
- *Bennett v. Nix*, No. 4:18-cv-2781-JMC-TER, 2020 WL 608348, at *6 (D.S.C. Jan. 7, 2020)
- *Jackson v. Lightsey*, 775 F.3d 170, 178 (4th Cir. 2014)
- *Iko v. Shreve*, 535 F.3d 225, 241 (4th Cir. 2008)
- *Wright v. Collins*, 766 F.2d 841, 849 (4th Cir. 1985)
- *Wisconsin Dep't of Corr. v. Schacht*, 524 U.S. 381, 387 (1998)
- *United Mine Workers v. Gibbs*, 383 U.S. 715, 726 (1966)
- *Tigrett v. Rector and Visitors of the Univ. of Va.*, 290 F.3d 620, 626 (4th Cir. 2002)
- *Lovern v. Edwards*, 190 F.3d 648, 655 (4th Cir. 1999)
- *Link v. Wabash R.R. Co.*, 370 U.S. 626 (1962)
- *Ballard v. Carlson*, 882 F.2d 93, 95-96 (4th Cir. 1989)
- *Britt v. DeJoy*, 45 F.4th 790 (4th Cir. 2022)
- *Diamond v. Colonial Life & Accident Insurance Co.*, 416 F.3d 310 (4th Cir. 2005)
- *Thomas v. Arn*, 474 U.S. 140 (1985)
- *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984)