

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Ubong Christopher Ubokudom; J., a minor v. Walmart Inc.

C/A No. 3:25-cv-12608-SAL · No. 3:25-cv-12608-SAL · Decided April 24, 2026

SUMMARY

The United States District Court for the District of South Carolina reviews a magistrate judge’s recommendation to dismiss the action for failure to bring it into proper form. The court dismisses without prejudice the claims brought by the pro se plaintiff on behalf of his minor daughter, declines to appoint a guardian ad litem, and recommits the plaintiff’s individual claims to the magistrate judge for screening after the plaintiff files the required documents.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Sherri A. Lydon
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	April 24, 2026
DOCKET	3:25-cv-12608-SAL
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation recommending dismissal without prejudice for failure to bring the case into proper form. Plaintiff filed objections, an in forma pauperis motion, documents intended to cure the filing deficiencies, and a motion for appointment of a guardian ad litem.
STANDARD OF REVIEW	The district court reviews de novo those portions of a magistrate judge's report and recommendation to which a sufficiently specific objection is made. General objections require only review for clear error on the face of the record.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Ubong Christopher Ubokudom, J., a minor v. Walmart Inc.

TOPICS

- guardianship procedure
- guardian ad litem
- guardianships
- pleadings
- civil procedure

PRACTICE AREAS

civil procedure

civil rights

consumer protection

guardianship procedure

QUESTIONS PRESENTED

1. Whether a pro se, non-attorney parent may litigate the claims of a minor child in federal court.
2. Whether the court should appoint a guardian ad litem or refer the minor's claims to a pro bono program after dismissing the claims asserted on the minor's behalf.
3. Whether Plaintiff's individual claims should be dismissed for failure to bring the case into proper form after he filed the required documents.

HOLDINGS

1. A non-attorney parent generally may not litigate the claims of a minor child in federal court. The claims asserted on behalf of J., the minor, were therefore dismissed without prejudice and without issuance or service of process.
2. The court declined to appoint a guardian ad litem or grant alternative relief because the claims asserted on behalf of the minor were being dismissed and no claims remained requiring such representation.
3. Plaintiff's later filing of an in forma pauperis motion and proposed summons mooted the basis for the recommended dismissal of his individual claims. Those claims were recommitted to the magistrate judge for screening rather than dismissed at this stage.
4. The district court retained responsibility for the final determination, reviewed the objections under the applicable standard, and adopted the Report in part.

KEY QUOTATIONS

“that non-attorney parents generally may not litigate the claims of their minor children in federal court.”

“A document filed pro se is ‘to be liberally construed,’ and ‘a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.’”

FACTUAL BACKGROUND

Plaintiff alleged that he and his minor daughter became sick in April 2024 after consuming almond milk and oatmeal purchased from a Sam's Club store owned by Walmart in Southfield, Michigan. He also referenced race discrimination, alleging that his ability to purchase non-defective products was limited on that basis. Plaintiff filed the action on behalf of himself and his minor daughter, although he was proceeding pro se.

PROCEDURAL HISTORY

The magistrate judge recommended dismissal without prejudice because Plaintiff had not filed documents necessary to bring the action into proper form and had failed to comply with a court order. Plaintiff later filed the required documents and objected to the Report. The district court adopted the recommendation in part, dismissed the claims asserted on behalf of the minor without prejudice and without issuance or service of process, denied the guardian ad litem request, and recommitted Plaintiff's individual claims to the magistrate judge for screening.

DISPOSITION

other

REMAND INSTRUCTIONS

The matter was recommitted to the magistrate judge for screening of Plaintiff's individual claims after Plaintiff filed documents intended to bring the case into proper form.

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270–71 (1976)
- Elijah v. Dunbar, 66 F.4th 454, 459–60 (4th Cir. 2023)
- United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007)
- Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Weller v. Dep't of Soc. Servs., 901 F.2d 387, 390–91 (4th Cir. 1990)
- Myers v. Loudoun Cnty. Pub. Sch., 418 F.3d 395, 405 (4th Cir. 2005)
- Campbell v. Garlington, No. 5:21-cv-61-FL, 2021 WL 2270675, at *8 (E.D.N.C. June 3, 2021)
- Ubokudom v. Dolgen Corp., 3:25-cv-03120-JFA, ECF No. 81
- Ubokudom v. Target, 3:25-cv-03429-SAL, ECF No. 54
- Ubokudom v. Walmart, Inc., 3:25-cv-03431-SAL, ECF No. 69

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