

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Hazel Stoudemire, Sr. v. Sergeant Thomas; Lieutenant Priester;
Captain Livingston; Bryan Stirling; and South Carolina Department
of Corrections

Stoudemire · No. 2:24-cv-124-JFA-MGB · Decided March 2, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts the Magistrate Judge’s Report and Recommendation in Hazel Stoudemire, Sr.’s § 1983 and South Carolina Tort Claims Act action. The court overrules Plaintiff’s objections, denies his motions for summary judgment, directed verdict, and declaratory judgment, and grants Defendants’ motions for summary judgment. The court concludes that Plaintiff failed to present sufficient evidence supporting his failure-to-protect and inadequate-medical-care 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	March 2, 2026
DOCKET	2:24-cv-124-JFA-MGB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se and in forma pauperis, objected to a Magistrate Judge's Report and Recommendation addressing cross-motions for summary judgment and related dispositive motions. The district court conducted de novo review of the specifically challenged portions and clear-error review of the remainder, adopted the Report and Recommendation, denied Plaintiff's motions, and granted Defendants' motions for summary judgment.
STANDARD OF REVIEW	The district court reviewed de novo the portions of the Report and Recommendation to which specific objections were made and reviewed unobjected-to portions, including portions subject only to general or conclusory objections, for clear error. Summary judgment

was reviewed under the applicable Federal Rule of Civil Procedure 56 standard, and Plaintiff's pro se filings were liberally construed.

PRECEDENTIAL VALUE

unknown

TOPICS

summary judgment

section 1983

prisoners rights

eleventh amendment immunity

civil procedure

PRACTICE AREAS

civil procedure

constitutional law

civil rights

prisoner litigation

remedies

QUESTIONS PRESENTED

1. Whether the Magistrate Judge properly refused to consider untimely or improperly verified documents offered by Plaintiff as evidence opposing summary judgment.
2. Whether Eleventh Amendment immunity applied to Plaintiff's claims against the South Carolina Department of Corrections and Defendants in their official capacities.
3. Whether Plaintiff's claims concerning failure to protect and inadequate medical care were properly analyzed under the Eighth Amendment rather than the Fourteenth Amendment.
4. Whether Plaintiff presented sufficient evidence to satisfy the subjective knowledge requirement for a § 1983 failure-to-protect claim.
5. Whether Plaintiff's general and conclusory objections identified error in the Report and Recommendation warranting rejection of the recommendation.

HOLDINGS

1. The Magistrate Judge properly declined to consider Plaintiff's purported February 2025 declaration because it was not filed or presented to the court and was untimely, and properly determined that the August 2021 documents were not a proper factual declaration and did not contain specific factual testimony concerning the underlying incident.
2. Eleventh Amendment immunity applies to Plaintiff's claims against the South Carolina Department of Corrections and against the individual Defendants in their official capacities.
3. Because Plaintiff was a convicted prisoner in custody when the alleged events occurred, his claims concerning physical harm by inmates and prison officials' failure to protect him are properly analyzed under the Eighth Amendment rather than the Fourteenth Amendment.
4. Plaintiff did not present sufficient evidence to establish that any Defendant had specific knowledge of a substantial risk of harm to Plaintiff, and therefore his evidence did not satisfy the subjective component of his § 1983 failure-to-protect claim.
5. General, conclusory objections that merely reassert prior arguments or express disagreement with the Magistrate Judge's conclusions do not require correction of the Report and Recommendation; unobjected-to or inadequately objected-to portions are reviewed for clear error.

KEY QUOTATIONS

“The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court.” (Section II)

“An objection is specific if it ‘enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties’ dispute.’” (Section II)

“A specific objection must “direct the court to a specific error in the magistrate’s proposed findings and recommendations.”” (Section II)

“After a thorough review of the Report, the applicable law, and the record of this case, the Court finds no clear error in the Report.” (Section IV)

FACTUAL BACKGROUND

Plaintiff alleged that on February 16, 2021, Defendant Sergeant Thomas unlocked his cell door, permitting unidentified inmates to enter and attack him, resulting in a broken jaw. Plaintiff also alleged that Defendants failed to provide timely medical assistance after the attack. In opposing summary judgment, Plaintiff relied on documents that were either not filed, untimely, unrelated to this action, or lacked specific sworn factual testimony regarding the incident.

PROCEDURAL HISTORY

The action was referred to a Magistrate Judge under 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) for pretrial proceedings. The Magistrate Judge recommended denying Plaintiff's motions and granting Defendants' motions for summary judgment. Plaintiff filed objections and a reply; the district court overruled the objections, adopted the Report and Recommendation, denied Plaintiff's Motion for Directed Verdict, Motion for Declaratory Judgment, and Motion for Summary Judgment, and granted Defendants' motions for summary judgment.

DISPOSITION

other

CASES CITED

- Mathews v. Weber, 423 U.S. 261 (1976)
- Carniewski v. W. Virginia Bd. of Prob. & Parole, 974 F.2d 1330 (4th Cir. 1992)
- Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)
- Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 316 (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 Prop. 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)
- Shelley v. Stirling, No. 4:18-CV-2259-JFA-TER, 2019 WL 3296970, at *5 (D.S.C. July 23, 2019)
- Pressly v. Hutto, 816 F.2d 977, 979 (4th Cir. 1987)

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