

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

**Bianca Best v. Sam Richardson, Sheriff of Dorchester County, in his
individual and official capacity, Clayton Killion and Marc Mood,
Deputies with the Dorchester County Sheriff's Office, in their
individual and official capacities, Dorchester County Sheriff's Office,
Dorchester County**

Best v. Richardson · No. 2:25-cv-13514-RMG · Decided March 9, 2026

SUMMARY

The United States District Court for the District of South Carolina adopts the Magistrate Judge’s Report and Recommendation concerning defendants’ motion to dismiss. The court dismisses specified official-capacity, South Carolina Tort Claims Act, and supervisory-liability claims, while allowing the individual-capacity § 1983 claims against Deputies Killion and Mood and related state common-law claims to proceed; Plaintiff may seek leave to amend claims against Sheriff Richardson.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Charleston Division
WRITING FOR THE COURT	Richard Mark Gergel
JURISDICTION	United States District Court for the District of South Carolina, Charleston Division
DECIDED	March 9, 2026
DOCKET	2:25-cv-13514-RMG
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation on Defendants' Rule 12(b)(6) motion to dismiss. Plaintiff filed limited objections, and Defendants filed none.
STANDARD OF REVIEW	Specific objections to the magistrate judge's Report and Recommendation were reviewed de novo; unobjected portions were reviewed for clear error. The Rule 12(b)(6) motion was evaluated for whether the complaint stated a facially plausible claim, accepting well-

	pleaded factual allegations as true and drawing reasonable inferences in Plaintiff's favor.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Bianca Best v. Sam Richardson, Clayton Killion, Marc Mood, Dorchester County Sheriff's Office, Dorchester County

TOPICS

motions to dismiss

section 1983

eleventh amendment immunity

civil procedure

assault

PRACTICE AREAS

civil procedure

civil rights

constitutional law

torts

QUESTIONS PRESENTED

1. Whether the magistrate judge's recommendation to dismiss § 1983 claims against Dorchester County, the Dorchester County Sheriff's Office, and the defendants in their official capacities should be adopted as barred by Eleventh Amendment immunity.
2. Whether South Carolina Tort Claims Act negligence and gross-negligence claims against the individual defendants should be dismissed because such claims must be brought against the governmental agency or political subdivision.
3. Whether Plaintiff's complaint plausibly stated § 1983 individual-capacity claims against Sheriff Richardson based on supervisory liability or failure to train.
4. Whether Plaintiff's common law assault, battery, and intentional infliction of emotional distress claims against Deputies Killion and Mood should proceed.

HOLDINGS

1. The district court adopted the magistrate judge's Report and Recommendation after applying de novo review to the portions specifically objected to and clear-error review to the unobjected portions.
2. The complaint, as presently pleaded, failed to plausibly state claims against Sheriff Richardson for supervisory liability or failure to train, so those individual-capacity § 1983 claims were dismissed, with leave to amend.
3. The § 1983 claims against Dorchester County, the Dorchester County Sheriff's Office, and Richardson, Killion, and Mood in their official capacities were dismissed as barred by the Eleventh Amendment.
4. The SCTCA negligence and gross-negligence claims against Killion, Mood, and Richardson in their individual capacities were dismissed because claims falling within the SCTCA must be brought against the agency or political subdivision rather than the individual employees.
5. The motion to dismiss was denied as to Plaintiff's state common law claims for assault, battery, and intentional infliction of emotional distress against Killion and Mood; those claims proceed.

KEY QUOTATIONS

“To survive a motion to dismiss, the complaint must state “enough facts to state a claim to relief that is plausible on its face.”” (at 3)

“The Court has carefully reviewed the allegations in the complaint and agrees with the finding of the Magistrate Judge that the complaint as it presently stands fails to plausibly state claims for supervisory liability and failure to train.” (at 4)

FACTUAL BACKGROUND

Plaintiff alleged that Dorchester County deputies Clayton Killion and Marc Mood intentionally used violent force and restraint against her even though she was an innocent civilian who was not suspected of criminal activity and did not pose an imminent threat or evidentiary risk. She sued the deputies, the sheriff, the sheriff's office, and Dorchester County in individual and official capacities under § 1983, the South Carolina Tort Claims Act, and common law tort theories.

PROCEDURAL HISTORY

Plaintiff brought claims under 42 U.S.C. § 1983, the South Carolina Tort Claims Act, and South Carolina common law arising from alleged use of force by county deputies. The magistrate judge recommended dismissal of several claims, denial of dismissal as to assault, battery, and intentional infliction of emotional distress claims against Deputies Killion and Mood, and dismissal of the individual-capacity § 1983 claim against Sheriff Richardson. The district court conducted de novo review of the objected-to portions, clear-error review of the remainder, adopted the R&R, dismissed the specified claims, and granted leave to amend the claims against Richardson.

DISPOSITION

other

CASES CITED

- Mathews v. Weber, 423 U.S. 261, 270-71 (1976)
- Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Republican Party of N.C. v. Martin, 980 F.2d 943, 952 (4th Cir. 1992)
- E. Shore Mkts., Inc. v. J.D. Assocs. Ltd. P'ship, 213 F.3d 175, 180 (4th Cir. 1980)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)

OPINION

IN THE UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION Bianca Best, Case No. 2:25-cv-13514-RMG Plaintiff, v. ORDER Sam
Richardson, Sheriff of Dorchester County, in his individual and official capacity, Clayton Killion

and Marc Mood, Deputies with the Dorchester County Sheriff's Office, in their individual and official capacities, Dorchester County Sheriff's Office, Dorchester County, Defendants.

Before the Court is the Report and Recommendation (R&R) of the Magistrate Judge recommending Defendants' motion to dismiss, (Dkt. No. 6), be granted in part and denied in part. (Dkt. No. 9). Plaintiff filed limited objections to the R&R. (Dkt. No. 11). Defendants filed no objections.

I. Background Plaintiff filed suit against various employees of the Dorchester County Sheriff's Office in their individual and official capacities and asserted claims under the South Carolina Tort Claims Act (SCTCA), common law torts outside the SCTCA, and 42 U.S.C. § 1983. Plaintiff alleged that Defendants Killion and Mood, acting within the scope of their duties as Dorchester County deputies, intentionally used "violent force and restraint... against an innocent female citizen who they did not suspect of criminal activity, posing an imminent threat to the deputies or herself, or posing a risk to the preservation of evidence relating to any suspected crime." (Dkt.

No. 1 at 1). 1 The Court is required to accept the allegations of the complaint to be truthful for purposes of addressing the motion to dismiss. The Magistrate Judge issued a comprehensive R&R that recommended the following: 1. Dismissal of § 1983 claims against Defendants Dorchester County, Dorchester County Sheriff's Office, and Defendants Killian, Mood, and Richardson in their official capacities as barred by the Eleventh Amendment.

(Dkt. No. 9 at 5-8); 2. Dismissal of SCTCA claims brought against Defendants Killian, Mood, and Richardson in their individual capacities (negligence and gross negligence) because claims that fall within the SCTCA must be brought against the agency or political subdivision (Id. at 13-14); 3. Denial of the motion to dismiss against Defendants Killion and Mood for state common law claims of assault and battery and intentional infliction of emotional distress (Id. at 12-13); 4.

Dismissal of the § 1983 individual capacity claim against Defendant Richardson, the Sheriff of Dorchester County, because Plaintiff alleged no personal involvement in the alleged conduct by Defendants Killian and Mood and failed to allege sufficient facts to support a claim for either supervisory liability or failure to train. (Id. at 9-11). Plaintiff largely agreed with the recommendations of the Magistrate Judge, with the exception of the recommendation that the § 1983 individual capacity claim against Defendant Richardson be dismissed for failure to plead supervisory liability or failure to train cause of action.

Plaintiff argued that the allegations contained in the complaint were sufficient to support those claims. (Dkt. No. 11 at 4-5). Plaintiff requests that if the Court determines the allegations in the 1 Defendants did not move to dismiss the § 1983 claims against Defendants Killian and Mood brought in their individual capacity. (Dkt. No. 9 at 14 n. 3). 2 complaint are insufficient to state §

1983 claims against Defendant Richardson in his individual capacity that she be granted leave to amend her complaint.

(Id. at 8). II. Legal Standard A. Review of R&R The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976).

The Court is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

In the absence of specific objections, the Court reviews the Report for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed.

R. Civ. P. 72 advisory committee's note). B. Motion to Dismiss Fed. R. Civ. P. 12(b)(6) permits the dismissal of an action if the complaint fails “to state a claim upon which relief can be granted.” Such a motion tests the legal sufficiency of the complaint and “does not resolve contests surrounding the facts, the merits of the claim, or the applicability of defenses....

Our inquiry then is limited to whether the allegations constitute ‘a short and plain statement of the claim showing that the pleader is entitled to relief.’” *Republican Party of N.C. v. Martin*, 980 F.2d 943, 952 (4th Cir.1992) (quotation marks and citation omitted).

In a Rule 12(b)(6) motion, the Court is obligated to “assume the truth of all facts alleged in the complaint 3 and the existence of any fact that can proved, consistent with the complaint's allegations.” *E. Shore Mkts., Inc. v. J.D. Assocs. Ltd. P'ship*, 213 F.3d 175, 180 (4th Cir. 1980).

However, while the Court must accept the facts in a light most favorable to the non-moving party, it “need not accept as true unwarranted inferences, unreasonable conclusions, or arguments.” *Id.* To survive a motion to dismiss, the complaint must state “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007).

Although the requirement of plausibility does not impose a probability requirement at this stage, the complaint must show more than a “sheer possibility that a defendant has acted unlawfully.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A complaint has “facial plausibility” where the pleading “allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* III.

Discussion The parties largely did not object to the Magistrate Judge's R&R, except for Plaintiff's objection to the recommendation that the § 1983 individual capacity claim against Defendant Richardson be dismissed because the complaint contains insufficient allegations to support claims for supervisory liability and intentional infliction of emotional distress.

The Court has carefully reviewed the allegations in the complaint and agrees with the finding of the Magistrate Judge that the complaint as it presently stands fails to plausibly state claims for supervisory liability and failure to train. Consequently, the Court adopts the R & R of the Magistrate Judge as the order of the Court. This case will continue to be handled during the pretrial stage by the Magistrate Judge regarding the § 1983 individual capacity claims against Defendants Killion and Mood and the state common law claims of assault and battery and intention infliction of emotional distress against 4 these defendants.

Since this litigation is at an early stage, the Court grants Plaintiff leave to move before the Magistrate Judge to amend her complaint regarding § 1983 individual capacity claims against Defendant Richardson for supervisory liability and failure to train. IV. Conclusion In light of the foregoing, the Court adopts the R&R of the Magistrate Judge (Dkt. No. 9) as the order of the Court and dismisses the following claims (1) § 1983 claims against Defendants Dorchester County, Dorchester County Sheriff's Office, and official capacity claims against Defendants Killian, Mood, and Richardson; (2) dismissal of negligence and gross negligence claims asserted under the SCTCA against Defendants Killian and Mood; (3) dismissal of the § 1983 individual capacity claim against Defendant Richardson, although Plaintiff is granted leave to amend her complaint to make further allegations involving supervisory liability and failure to train claims.

Plaintiff's § 1983 individual capacity claims against Killian and Mood and state common law claims of assault and battery and intentional infliction of emotional distress will go forward. AND IT IS SO ORDERED. _s/ Richard M. Gergel_ Richard Mark Gergel United States District Judge March 9, 2026 Charleston, South Carolina 5