

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Slusser v. United States

Slusser · No. 0:21-cv-02431-DCC · Decided January 23, 2026

SUMMARY

The United States District Court for the District of South Carolina denied Larry Michael Slusser’s motion to reinstate previously dismissed defendants. The court granted the United States’ renewed motion for summary judgment on Slusser’s Federal Tort Claims Act negligence claim, concluding that he had not shown evidence that prison staff had actual or constructive knowledge of a dangerous condition.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Donald C. Coggins, Jr.
JURISDICTION	United States District Court for the District of South Carolina, Rock Hill Division
DECIDED	January 23, 2026
DOCKET	0:21-cv-02431-DCC
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation recommending summary judgment for the United States, as well as Slusser's motion to reinstate previously dismissed defendants.
STANDARD OF REVIEW	The court conducted de novo review of portions of the magistrate judge's report to which specific objections were made. It reviewed unobjected portions for clear error. Summary judgment was appropriate if no genuine dispute of material fact existed and the defendant was entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Larry Michael Slusser v. United States of America

TOPICS

summary judgment

motion for reconsideration

negligence

premises liability

appellate procedure

PRACTICE AREAS

civil procedure

Federal Tort Claims Act negligence

premises liability

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether Slusser could reinstate defendants previously dismissed from the action after an earlier appeal and remand.
2. Whether relief from the prior dismissal was warranted under Federal Rule of Civil Procedure 60(b).
3. Whether summary judgment was proper on Slusser's Federal Tort Claims Act negligence claim where he lacked evidence that a dangerous condition existed or that c/o Morales had actual or constructive knowledge of it.

HOLDINGS

1. The mandate rule barred Slusser from relitigating the dismissal of c/o Morales and Dr. Anthony Timms because the earlier order was not properly appealed and the issues were not within the appellate mandate.
2. Slusser was not entitled to reconsideration or relief from the prior order under Rule 60(b).
3. Summary judgment for the United States was proper because Slusser failed to produce evidence that a dangerous condition existed, how long it existed, or that c/o Morales had actual or constructive knowledge of it.

KEY QUOTATIONS

“The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court.” (at 2)

“The mandate rule is a specific application of the law of the case doctrine” (at 3)

“it was clear from [her] point of view that [Plaintiff] did not slip on anything on the surface of the floor, but clearly stumbled over his own feet or sandals.” (at 5)

“existed for such length of time prior to the injury that, under existing circumstances, [the defendant] should have discovered and remedied it in the exercise of due care.” (at 5)

FACTUAL BACKGROUND

Slusser alleged that he fell in the shower area of a Bureau of Prisons facility and fractured his wrist. He claimed that c/o Morales negligently failed to warn him about water on the floor. Morales declared that Slusser did not slip on anything but instead stumbled over his feet or sandals, while a logbook described the incident as Slusser slipping and injuring his wrist. Slusser produced no evidence establishing that water was on the floor or how long any water had been present.

PROCEDURAL HISTORY

Slusser brought an action concerning injuries allegedly sustained in a Bureau of Prisons facility. The district court dismissed claims and defendants including c/o Morales and Dr. Anthony Timms; an attempted appeal from that order was dismissed as interlocutory. After the court granted summary judgment on the remaining negligence claim, the Fourth Circuit vacated that decision as premature because discovery remained outstanding and remanded. Following additional discovery proceedings, the magistrate judge recommended granting renewed summary judgment, and the district court denied the motion to reinstate defendants and adopted the recommendation granting 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)
- United States v. Jama, No. 23-4743, 2026 WL 85053, at *2 (4th Cir. Jan. 12, 2026)
- Volvo Trademark Holding Aktiebolaget v. Clark Mach. Co., 510 F.3d 474, 481 (4th Cir. 2007)
- United States v. Bell, 5 F.3d 64, 66 (4th Cir. 1993)
- United States v. Susi, 674 F.3d 278, 283 (4th Cir. 2012)
- Doe v. Chao, 511 F.3d 461, 465 (4th Cir. 2007)
- Omni Outdoor Adver., Inc. v. Columbia Outdoor Adver., Inc., 974 F.2d 502, 505 (4th Cir. 1992)
- Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998)
- Johnson-El v. Mitchell, No. 3:23-CV-00628-MR, 2024 WL 693530, at *2 (W.D.N.C. Feb. 20, 2024), aff'd, No. 24-6230, 2024 WL 3220319 (4th Cir. June 28, 2024)
- Dowell v. State Farm Fire & Cas. Auto. Ins. Co., 993 F.2d 46, 48 (4th Cir. 1993)
- Olson v. Fac. House of Carolina, Inc., 544 S.E.2d 38, 44 (S.C. Ct. App. 2001), aff'd, 580 S.E.2d 440 (S.C. 2003)
- Ross v. Commc'ns Satellite Corp., 759 F.2d 355, 365 (4th Cir. 1985)
- 490 U.S. 228 (1989)