

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

Lawrence Terry v. Extra Space Storage, Inc.; Extra Space
Management, Inc.; ES Operating Partnership, L.P.; Jeffrey "Jeff"
Lakevicius; Rick Miller; and John/Jane Does 1-10

Terry · No. C/A No. 3:25-13235-JFA-PJG · Decided March 20, 2026

SUMMARY

The United States District Court for the District of South Carolina recommends summarily dismissing Lawrence Terry’s amended pro se complaint against Extra Space Storage and related defendants without prejudice and without issuance or service of process. The court concludes that the alleged facts do not plausibly establish ADA discrimination or retaliation and recommends dismissal of the related state-law claims for lack of supplemental jurisdiction. The court also denies or recommends denial of several pending motions, including motions for accommodations, appointed counsel, supplementation, reconsideration, and injunctive relief.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Columbia Division
JURISDICTION	United States District Court for the District of South Carolina, Columbia Division
DECIDED	March 20, 2026
DOCKET	C/A No. 3:25-13235-JFA-PJG
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on initial review of a pro se amended complaint filed under 28 U.S.C. § 1915, recommending summary dismissal without prejudice and without issuance and service of process; the court also ruled on several pending motions.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court may dismiss an action that is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from an immune defendant. On initial review, factual allegations are accepted as true, but legal conclusions and conclusory statements are not; a complaint must state a plausible claim under Ashcroft v. Iqbal and Bell Atlantic Corp. v.

	Twombly. Pro se pleadings are liberally construed but must still allege facts supporting a cognizable claim.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Lawrence Terry v. Extra Space Storage, Inc., Extra Space Management, Inc., ES Operating Partnership, L.P., Jeffrey "Jeff" Lakevicius, Rick Miller, John/Jane Does 1-10

TOPICS

civil procedure

motions to dismiss

ada / disability

reasonable accommodation

public accommodations discrimination

PRACTICE AREAS

civil procedure

civil rights

disability discrimination

contracts

remedies

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly alleged discrimination or retaliation under Title III of the ADA.
2. Whether the court should dismiss the state-law claims for lack of an independent basis for federal jurisdiction after dismissal of the federal ADA claim.
3. Whether Terry was entitled to court-ordered ADA accommodations, appointment of counsel, supplementation of his motions, reconsideration of the prior report and recommendation, or a temporary restraining order.

HOLDINGS

1. The amended complaint failed to plausibly allege that defendants discriminated against Terry because of his disability because the allegations did not show that defendants failed to provide the requested accommodations.
2. The amended complaint failed to plausibly allege ADA retaliation because the alleged auction of Terry's storage units was attributed to his failure to make payments rather than retaliation for requesting accommodations or demanding arbitration.
3. Terry could not recover monetary damages under Title III of the ADA.
4. The court recommended dismissal of the state-law claims under 28 U.S.C. § 1367(c) after recommending dismissal of the federal ADA claim.
5. Terry was not entitled to appointment of counsel because he did not demonstrate exceptional circumstances warranting discretionary appointment in a civil action.

KEY QUOTATIONS

“To state a claim upon which relief can be granted, the plaintiff must do more than make mere conclusory statements.” (at 3)

“Rather, the complaint must contain sufficient factual matter, accepted as true, to state a claim that is plausible on its face.” (at 3)

“To prevail under Title III of the ADA, a plaintiff must show that: (1) he is disabled within the meaning of the ADA; (2) the defendant owns, leases, or operates a place of public accommodation; and (3) the defendant discriminated against him because of his disability.” (at 4)

“Having found that this case is subject to summary dismissal for reasons that could not be cured through more artful pleading, the court denies Plaintiff’s motion for the appointment of counsel.” (at 8)

FACTUAL BACKGROUND

Terry entered an agreement with Extra Space Storage on April 8, 2022, to rent three storage units. He informed defendants that he had a traumatic brain injury affecting his memory and processing of complex information and requested written balance explanations, clear payment deadlines, and telephone payment reminders. He alleged that defendants failed to consistently provide or implement the requested accommodations, that payments were missed or improperly applied, and that defendants auctioned the units in May 2025 after he demanded arbitration in April 2025, causing the loss of property valued at more than \$100,000.

PROCEDURAL HISTORY

Terry filed an action alleging ADA, contract, arbitration, tort, and South Carolina self-service-storage claims arising from the handling and auction of his storage units. After the court previously recommended dismissal for failure to prosecute, Terry filed motions and an amended complaint, and the case was recommitted to the magistrate judge for initial review. The magistrate judge recommended dismissal of the amended complaint and denial of a temporary restraining order, while ordering that the remaining motions be denied.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- 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)
- J.D. by Doherty v. Colonial Williamsburg Found., 925 F.3d 663, 669-70 (4th Cir. 2019)
- Thomas v. The Salvation Army S. Territory, 841 F.3d 632, 638 (4th Cir. 2016)
- Freilich v. Upper Chesapeake Health, Inc., 313 F.3d 205, 216 (4th Cir. 2002)
- Owen Equip. & Erection Co. v. Kroger, 437 U.S. 365, 372-74 nn. 13-16 (1978)

- United States v. Wishart, 146 F. App'x 171, 173 (9th Cir. 2005)
- Anders v. South Carolina, C/A No. 2:24-6311-BHH-MGB, 2025 WL 1169191, at *4 (D.S.C. Mar. 31, 2025)
- Mallard v. United States District Court, 490 U.S. 296, 302 (1989)
- Young v. K-Mart Corp., 911 F. Supp. 210, 211 (E.D. Va. 1996)
- Jason v. Baptist Hosp., 872 F. Supp. 1575, 1579 (E.D. Tex. 1994)
- Ferrelli v. River Manor Health Care Ctr., 323 F.3d 196 (2d Cir. 2003)
- Miller v. Simmons, 925 F.2d 962, 966 (4th Cir. 1991)
- Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310 (4th Cir. 2005)
- Thomas v. Arn, 474 U.S. 140 (1985)
- Wright v. Collins, 766 F.2d 841 (4th Cir. 1985)
- United States v. Schronce, 727 F.2d 91 (4th Cir. 1984)