

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA

Christopher Jermaine McGee v. Sheldon T. Peden

McGee v. Peden · No. C/A No. 6:26-1163-BHH-TER · Decided March 24, 2026

SUMMARY

This Report and Recommendation addresses a pro se § 1983 action brought by a pretrial detainee against the judge in his criminal case. The magistrate judge recommends dismissal with prejudice under 28 U.S.C. §§ 1915(e) and 1915A because the defendant is protected by absolute judicial immunity. The document also provides notice of the parties' right to file objections within fourteen days.

CASE DETAILS

COURT	United States District Court for the District of South Carolina
WRITING FOR THE COURT	Thomas E. Rogers, III
JURISDICTION	United States District Court for the District of South Carolina
DECIDED	March 24, 2026
DOCKET	C/A No. 6:26-1163-BHH-TER
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation addressing a pro se pretrial detainee's in forma pauperis civil-rights complaint before service of process.
STANDARD OF REVIEW	Screening under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A; the court liberally construes pro se pleadings but may dismiss sua sponte claims that are frivolous, fail to state a claim, or seek relief from an immune defendant.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

[section 1983](#) [prisoners rights](#) [civil rights](#) [motions to dismiss](#) [civil procedure](#)

PRACTICE AREAS

[civil rights](#) [federal civil procedure](#) [prisoner litigation](#) [judicial immunity](#)

QUESTIONS PRESENTED

1. Whether the complaint stated a claim under 42 U.S.C. § 1983 against the judge who presided over the plaintiff's criminal case.
2. Whether absolute judicial immunity barred the claims based on the defendant's judicial acts and rulings.

HOLDINGS

1. The complaint failed to state a claim upon which relief could be granted because it challenged judicial participation and rulings by the defendant without establishing a cognizable violation actionable under § 1983.
2. Absolute judicial immunity barred McGee's claims because they arose from acts taken by Peden in his judicial capacity and there was no allegation that the acts were taken in the complete absence of jurisdiction.

KEY QUOTATIONS

“A judge is absolutely immune from liability for his judicial acts even if his exercise of authority is flawed by the commission of grave procedural errors.” (3)

“The requirement of liberal construction does not mean that the Court can ignore a clear failure in the pleading to allege facts which set forth a claim currently cognizable in a federal district court.” (2)

FACTUAL BACKGROUND

McGee, a pretrial detainee proceeding pro se and in forma pauperis, sued Peden, identified as the judge in McGee's criminal case. McGee challenged official acts and judicial rulings, attached the warrant signed by Peden, and requested transportation for a proper probable-cause hearing outside jail and a lower bond. The complaint sought relief based on Peden's participation in McGee's criminal proceedings.

PROCEDURAL HISTORY

McGee filed a 42 U.S.C. § 1983 action against Seldon T. Peden, the judge in McGee's criminal case, seeking transportation for a probable-cause hearing outside jail and a lower bond. The magistrate judge screened the complaint under 28 U.S.C. §§ 1915(e) and 1915A and recommended dismissal with prejudice without issuance and service of process. The parties were advised of their right to object within fourteen days; the text does not state that the district court adopted the recommendation.

DISPOSITION

other

CASES CITED

- Denton v. Hernandez, 504 U.S. 25 (1992)
- Neitzke v. Williams, 490 U.S. 319, 324-25 (1989)
- Haines v. Kerner, 404 U.S. 519 (1972)

- Nasim v. Warden, Md. House of Corr., 64 F.3d 951 (4th Cir. 1995)
- Gordon v. Leeke, 574 F.2d 1147, 1151 (4th Cir. 1978)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1278 (4th Cir. 1985)
- Small v. Endicott, 998 F.2d 411 (7th Cir. 1993)
- Barnett v. Hargett, 174 F.3d 1128 (10th Cir. 1999)
- Weller v. Dep't of Soc. Servs., 901 F.2d 387, 390-91 (4th Cir. 1990)
- Albright v. Oliver, 510 U.S. 266, 271 (1994)
- City of Monterey v. Del Monte Dunes at Monterey, Ltd., 526 U.S. 687, 707 (1999)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Siegert v. Gilley, 500 U.S. 226, 232 (1991)
- Mitchell v. Forsyth, 472 U.S. 511, 526 (1985)
- Mireles v. Waco, 502 U.S. 9, 11-12 (1991)
- Stump v. Sparkman, 435 U.S. 349, 359 (1978)
- Pressly v. Gregory, 831 F.2d 514, 517 (4th Cir. 1987)
- Chu v. Griffith, 771 F.2d 79, 81 (4th Cir. 1985)
- Diamond v. Colonial Life & Accident Insurance 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)