

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

**Phillip Maurice Hicks v. Berkeley County, City of Charleston, Rita
Hammond, Kelsey Gaston, Boulevard Company, JKG Real Estate
LLC, Kayla Owens, Schwartz Law, Heather Gilbert, Gilbert &
Barnhill, PA, Adam Schaaf, Low Country Orthopedics & Sports
Medicine LLC, Kyra McMillan, Corvey Law Firm, Ernest Jarrett,
Jack Landis**

Report and Recommendation, C/A No. 2:26-cv-00111-RMG-WSB (D.S.C. Jan. 14, 2026) · No. C/A No. 2:26-
cv-00111-RMG-WSB · Decided January 14, 2026

SUMMARY

A United States magistrate judge recommends summary dismissal of pro se plaintiff Phillip Maurice Hicks’s in forma pauperis civil action. The recommendation concludes that the complaint fails to state a plausible federal claim, seeks relief from immune or non-state-actor defendants, cannot be asserted on behalf of a limited liability company without counsel, and does not establish a basis for federal jurisdiction over the state-law claims.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Charleston Division
WRITING FOR THE COURT	William S. Brown
JURISDICTION	United States District Court for the District of South Carolina, Charleston Division
DECIDED	January 14, 2026
DOCKET	C/A No. 2:26-cv-00111-RMG-WSB
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff filed an in forma pauperis action asserting claims under 42 U.S.C. § 1983 and various state-law claims. The magistrate judge screened the complaint under 28 U.S.C. § 1915(e)(2)(B) and issued a Report and Recommendation that the action be dismissed without service of process and without leave to amend.

STANDARD OF REVIEW	Screening under 28 U.S.C. § 1915(e)(2)(B); liberal construction of a pro se complaint; and review under the Rule 8 and plausibility standards requiring sufficient factual matter to state a claim that is plausible on its face.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Phillip Maurice Hicks v. Berkeley County, City of Charleston, Rita Hammond, Kelsey Gaston, Boulevard Company, JKG Real Estate LLC, Kayla Owens, Schwartz Law, Heather Gilbert, Gilbert & Barnhill, PA, Adam Schaaf, Low Country Orthopedics & Sports Medicine LLC, Kyra McMillan, Corvey Law Firm, Ernest Jarrett, Jack Landis

TOPICS

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QUESTIONS PRESENTED

1. Whether Hicks could represent or assert claims belonging to All Our Girls, LLC while proceeding pro se.
2. Whether the complaint stated a plausible claim under 42 U.S.C. § 1983 against the county, city, judges, attorneys, law firms, guardian ad litem, businesses, and private individuals.
3. Whether judicial immunity barred the claims against the state-court judges.
4. Whether the complaint plausibly alleged a constitutional violation and action under color of state law.
5. Whether Younger abstention and the Rooker-Feldman doctrine prevented federal review of ongoing or completed state criminal and family-court proceedings.
6. Whether the court should exercise supplemental jurisdiction over the state-law claims.

HOLDINGS

1. A pro se litigant may not represent an LLC or assert claims on the LLC's behalf in federal court; an LLC must appear through licensed counsel.
2. The complaint failed to state a plausible § 1983 claim because it did not adequately identify a nonimmune person acting under color of state law who violated a federal right.
3. The claims for damages against Judges Jarrett and Landis were barred by absolute judicial immunity because the allegations concerned judicial acts and did not plausibly show action in the clear absence of all jurisdiction.

4. The claims against Berkeley County and the City of Charleston failed because the complaint did not identify a municipal policy or custom that caused a constitutional injury.
5. The complaint did not state a § 1983 claim against the private individuals, attorneys, law firms, businesses, or guardian ad litem because it did not plausibly allege state action.
6. The court should abstain under Younger to the extent Hicks sought federal intervention in ongoing state criminal or family-court proceedings.
7. The Rooker-Feldman doctrine deprived the federal district court of jurisdiction over claims seeking review or rejection of state family-court decisions concerning custody, property, or related matters.
8. The court should decline supplemental jurisdiction over the state-law claims after recommending dismissal of all federal claims, and the state-law claims were also subject to dismissal because diversity jurisdiction was absent.

KEY QUOTATIONS

“Plaintiff, who is proceeding pro se, cannot represent the interests of others, or bring claims on behalf of others, in this lawsuit.” (Discussion, Allegations Regarding the LLC)

“Judicial immunity is a protection from suit, not just from ultimate assessment of damages, and such immunity is not pierced by allegations of corruption or bad faith.” (Discussion, Jarrett and Landis)

“Needless decisions of state law should be avoided both as a matter of comity and to promote justice between the parties, by procuring for them a surer-footed reading of applicable law” (Discussion, Plaintiff's State Law Claims)

FACTUAL BACKGROUND

Hicks alleged that state family-court proceedings affected his custody and parenting time, residence, mortgage, property interests, and finances without adequate notice or procedural safeguards. He also alleged harm arising from a pending state criminal matter, medical risks, reputational injury, and conduct by county, municipal, judicial, attorney, business, and private individual defendants. He asserted a Fourteenth Amendment due-process claim under § 1983 and several state-law claims.

PROCEDURAL HISTORY

Hicks filed a complaint and an accompanying typed document alleging constitutional violations arising primarily from state criminal and family-court proceedings, as well as state-law property, custody, medical, and defamation claims. The matter was referred to the magistrate judge under 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B). The magistrate judge recommended summary dismissal, subject to the parties' right to file objections with the district judge.

DISPOSITION

other

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- West v. Atkins, 487 U.S. 42, 48 (1988)
- Myers v. Loudon County Public Schools, 418 F.3d 395, 401 (4th Cir. 2005)
- Pridgen v. Andresen, 113 F.3d 391, 392-93 (2d Cir. 1997)
- Rowland v. California Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 202 (1993)
- Monell v. Department of Social Services, 436 U.S. 658, 690-91 (1978)
- Board of County Commissioners v. Brown, 520 U.S. 397, 403 (1997)
- Mireles v. Waco, 502 U.S. 9, 11-12 (1991)
- Stump v. Sparkman, 435 U.S. 349, 356-57 (1978)
- Polk County v. Dodson, 454 U.S. 312, 317-18, 325 (1981)
- Fleming v. Asbill, 42 F.3d 886, 889-90 (4th Cir. 1994)
- Younger v. Harris, 401 U.S. 37, 43-44 (1971)
- Middlesex County Ethics Committee v. Garden State Bar Association, 457 U.S. 423, 432 (1982)
- Martin Marietta Corp. v. Maryland Commission on Human Relations, 38 F.3d 1392, 1396 (4th Cir. 1994)
- Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923)
- District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 476-82 (1983)
- Davani v. Virginia Department of Transportation, 434 F.3d 712, 713 (4th Cir. 2006)
- United Mine Workers of America v. Gibbs, 383 U.S. 715, 726 (1966)
- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310 (4th Cir. 2005)
- Thomas v. Arn, 474 U.S. 140 (1985)