

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF RICHLAND ) FIFTH JUDICIAL CIRCUIT

Edward Tyrone Hills, ) Civil Action No. 2021-CP-40-06223

Plaintiff, )

vs. )

**ORDER GRANTING DEFENDANT'S  
MOTION TO DISMISS**

Dean, University of South Carolina, )

Defendant. )

This matter came before the Court on October 18, 2022, on the defendant's Motion to Dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure. This Court finds that the plaintiff has failed to state a cause of action against the defendant and, therefore, dismisses the plaintiff's Complaint.

**PLAINTIFF'S ALLEGATIONS**

According to the plaintiff's Complaint, the defendant made an unspecified threat to slander the plaintiff's name. The alleged threat occurred during the plaintiff's renovation of flooring at USC Salkehatchie between 2013 and 2014. The Complaint contains no further allegations as to the alleged conduct of the defendant, and the plaintiff denies that the defendant acted under color of state or local law.

Plaintiff filed the present Complaint on December 23, 2021, asserting a claim pursuant to 42 U.S.C. §1983 for defamation of character. The plaintiff's Complaint fails to state a claim for relief either pursuant to 42 U.S.C. §1983 or for defamation of character.

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**SC Court of Appeals**

**I. Plaintiff's Claim Pursuant to 42 U.S.C. §1983**

The plaintiff has failed to allege facts sufficient to state a claim pursuant to 42 U.S.C. §1983 because the plaintiff has expressly denied that the defendant acted under color of state or local law. *See Charleston Joint Venture v. McPherson*, 308 S.C. 145, 152, 417 S.E.2d 544, 549 (1992) (“Section 42 U.S.C. § 1983 imposes liability upon any person who, under color of state law, subjects any citizen to the deprivation of any rights, privileges or immunities secured by the constitution.”).

Further, the plaintiff has identified the sole basis for his alleged §1983 claim as defamation of character. However, defamation of character is not a sufficient basis to maintain a §1983 claim. *See Paul v. Davis*, 424 U.S. 693, 711-12 (1976) (interest in reputation alone does not implicate a liberty or property interest sufficient to invoke due process protection under §1983). Therefore, the defendant’s motion to dismiss the plaintiff’s claim brought pursuant to 42 U.S.C. §1983 is granted.

**II. Plaintiff's Cause of Action for Defamation of Character**

To state a claim for defamation of character, a plaintiff must establish: “(1) a false and defamatory statement was made; (2) the unprivileged statement was published to a third party; (3) the publisher was at fault; and (4) either the statement was actionable regardless of harm or the publication of the statement caused special harm.” *Garrard v. Charleston Cty. Sch. Dist.*, 429 S.C. 170, 190, 838 S.E.2d 698, 709 (Ct. App. 2019).

The plaintiff has alleged that the defendant made an unspecified threat to slander the plaintiff. Nevertheless, the plaintiff has not alleged any other facts in support of any of the four (4) elements of defamation cited above. Consequently, this Court finds that the plaintiff’s

Complaint fails to allege facts sufficient to state a claim for defamation. Therefore, the defendant's motion to dismiss the plaintiff's cause of action for defamation of character is granted.

**III. Statute of Limitations**

The applicable statute of limitations for claims for defamation or slander is two years. *See* S.C. Code Ann. § 15-3-550(1). “[T]he statute of limitations for § 1983 claims arising in South Carolina is three years[.]” *Brannon v. Blanton*, No. CV 9:15-2434-CMC, 2016 WL 4232886, at \*2 (D.S.C. Aug. 11, 2016).

The alleged conduct at issue occurred between 2013 and 2014. Plaintiff filed the present Complaint on December 23, 2021. Therefore, this Court finds that the plaintiff failed to file his Complaint within the applicable statute of limitation as to both his claim for defamation and his claim pursuant to 42 U.S.C. §1983.

For the reasons set forth herein, the Complaint in the above-entitled action is dismissed.

AND IT IS SO ORDERED.

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The Honorable Donald B. Hocker  
Eighth Judicial Circuit

Laurens, South Carolina

October \_\_\_\_, 2022



Richland Common Pleas

**Case Caption:** Edward Tyrone Hills vs Dean University Of South Carolina

**Case Number:** 2021CP4006223

**Type:** Order/Dismissal

Circuit Court Judge

s/Donald B. Hocker, Judge Code 2167

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