

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF OCONEE	)	CASE NO.: 2024-CP-37-00080
Dorothy Pierce,	)	
	)	
Plaintiff,	)	
	)	<b>ORDER GRANTING DEFENDANT'S</b>
v.	)	<b>MOTION FOR SUMMARY</b>
	)	<b>JUDGMENT</b>
Danny Singleton,	)	
	)	
<u>Defendant.</u>	)	

Defendant’s Motion for Summary Judgment came before this Court on September 12, 2024. Present at the hearing were Defendant Danny Singleton along with his attorney, James W. Logan, Jr.. Plaintiff, Dorothy Pierce, who is *pro se* in this matter was also present. The Honorable R. Lawton McIntosh was the presiding judge. After a careful review of the pleadings, exhibits and memoranda filed by counsel and arguments of counsel and the *pro se* Plaintiff, the Court finds that the Defendant, Danny Singleton’s Motion for Summary Judgment should be granted.

**PROCEDURAL BACKGROUND**

The Complaint was filed in this matter on February 2, 2024 and set out multiple causes of action. The Defendant answered Plaintiff’s Complaint on February 28, 2024 and thereafter filed his Motion for Summary Judgment on April 10, 2024. It is interesting to note the Plaintiff had previously filed a similar Complaint against Defendant Danny Singleton, Probate Court Judge, in the District Court (8:23-CV-5609-TMC) on November 3, 2023. Magistrate Judge Kevin G. McDonald issued a Report dated December 20, 2023 dismissing the case for Failure to State a Claim. Judge McDonald’s Report is attached hereto as Exhibit A. In addition, the Honorable Timothy M. Cain, United States District Court Judge, thereafter reviewed the Report and, finding no clear error, agreed with and wholly adopted the Magistrate Judge’s findings and recommendations in the Report (Exhibit B), and incorporated said Report in his Order and Dismissed with prejudice, without leave to amend and without issues and service of process. (Exhibit A).

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The factual and legal bases for the preset Motion are more fully set forth below.

**STATEMENT OF THE FACTS**

This action arises from Plaintiff's apparent dissatisfaction with the proceedings in the Oconee County Probate Court for the Estate of Doyle Pierce (2020-ES-37-00532) over which the Defendant is the current presiding Judge.

The Plaintiff sets out multiple factual allegation including, but not limited to, that the Defendant, Danny Singleton, entered into multiple orders in the Estate Proceeding even though the Plaintiff has a pending appeal of one of his prior Orders in the South Carolina Court of Appeals; that the beneficiaries of the Estate entered a bad faith settlement agreement to prevent the Plaintiff from appealing orders entered by Judge Singleton in the Estate Proceeding; that Judge Singleton is allegedly biased because he grew up with the other beneficiaries in the Estate proceeding; and, that Plaintiff was removed as personal representative in the Estate proceeding by a prior Probate Judge; that the Order was procured by fraud; and, that the Plaintiff's motion for a new trial was wrongfully denied. The Plaintiff's appeal remains pending at the South Carolina Court of Appeals. A special administrator was assigned to the Estate who later resigned due to difficulties with the Estate. The Plaintiff then finally alleges that Judge Singleton then pressured all of the beneficiaries to settle the Estate despite the Plaintiff's pending appeal. A copy of Plaintiff's Complaint is attached as Exhibit C to this Order which contains all of the Plaintiff's allegations.

Plaintiff contends she suffered irreparable injury due to Judge Singleton's actions and seeks the following: (1) Injunctive relief prohibiting Defendant from further violation of Plaintiff's rights; (2) Declaratory relief declaring Defendant's actions unlawful and void; (3) Issue a Declaratory Judgment that the various Orders issued by Defendant on October 12, 17, November 1, 2, 2023 are invalid and void for lack of jurisdiction and due process; (4) Order Defendant to immediately recuse himself from overseeing the Estate of Doyle Pierce and reassign the case to another judge to ensure a fair, unbiased and lawfully conducted probate process; (5) Grant a preliminary and permanent injunction enjoining Defendant from issuing any future orders or taking further action in the probate proceedings of the Estate of Doyle Pierce;

(6) A declaratory judgment the Plaintiff does not owe the amount of \$413.00 or any other fee to the Probate Court for the provision of the estate file of Doyle Pierce; (7) Award compensatory damages to Plaintiff for the financial losses, mental anguish, emotional distress, and any other injuries suffered as a result of Defendant's actions, including but not limited to the restitution of the \$500.00 contempt fine improperly levied; and, (8) award punitive damages to Plaintiff due to the willful, malicious, oppressive and egregious conduct of Defendant.

### **SUMMARY JUDGMENT STANDARD**

Summary judgment "shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." S.C.R.C.P. 56(c). **Summary judgment** is appropriate when it is clear that there is no genuine issue of material fact and the conclusions and inferences to be drawn from the facts are undisputed. *Garvin v. Bi-Lo, Inc.*, [343 S.C. 625, 541 S.E.2d 831 \(2001\)](#). See also *Barron v. Labor Finders of S.C.*, 393 S.C. 609, 713 S.E.2d 634 (2011). The purpose of **summary judgment** is to expedite the disposition of cases that do not require the services of a fact finder. *Dawkins v. Fields*, [354 S.C. 58, 580 S.E.2d 433 \(2003\)](#).

In determining whether any triable issue of fact exists, the evidence and all inferences which can be reasonably drawn therefrom must be viewed in the light most favorable to the non-moving party. *Strother v. Lexington County Recreation Comm'n*, 332 S.C. 54, 504 S.E.2d 117 (1998); *Pye v. Aycock*, 325 S.C. 426, 480 S.E.2d 455 (Ct. App. 1997). "A court considering summary judgment neither makes factual determinations nor considers the merits of competing testimony; however, summary judgment is completely appropriate when a properly supported motion sets forth facts that remain undisputed or are contested in a deficient manner." *Guinan v. Tenet Healthsystems of Hilton Head*, 383 S.C. 48, 677 S.E.2d 32 (Ct. App. 2009).

### **STANDARD OF REVIEW**

As a *pro se* litigant, the Plaintiff's proceedings are accorded liberal construction and held to a less stringent standard than formal pleadings drafted by attorneys. See *Erickson v. Pardus*, 551 U.S. 89

(2007)(*per curiam*). 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 against cognizable in a state court. *See Weller v. Dep't of Soc. Servs.*, 902 F. 2d 387, 391 (4<sup>th</sup> Cir. 1990).

### DISCUSSION

As noted above, the plaintiff filed the instant action seeking damages and injunctive relief from the defendant. However, as set forth hereinafter, this action is subject to summary dismissal.

The Plaintiff's Complaint arises out of her dissatisfaction with matters in the Estate Proceeding and seeks an Order from this court preventing actions in the Estate Proceeding (which remains pending at this time). Here, however, all of those claims fail because Judge Singleton has judicial immunity.

As noted above, the Plaintiff alleges that Judge Singleton – the current probate judge presiding over the Estate Proceeding – violated her rights by ruling against her in the Estate Proceeding and removing her as personal representative in the Estate Proceeding. It is well-settled that judges have absolute immunity from a claim for damages arising out of their judicial actions unless they acted in the complete absence of all jurisdiction. *See Mireles v. Waco*, 502 U.S. 9, 11–12 (1991); *Stump v. Sparkman*, 435 U.S. 349, 356–64 (1978); *Chu v. Griffith*, 771 F.2d 79, 81 (4<sup>th</sup> Cir. 1985) (explaining that if a challenged judicial act was unauthorized by law, the judge still has immunity from a suit seeking damages). Whether an act is judicial or non-judicial relates to the nature of the act, such as whether it is a function normally performed by a judge and whether the parties dealt with the judge in his judicial capacity. *Mireles*, 502 U.S. at 12. Immunity applies even when the judge's acts were in error, malicious, or in excess of their authority. *Id.* at 12–13. Absolute immunity is “an immunity from suit rather than a mere defense to liability.” *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985) (emphasis omitted).

The Plaintiff's allegations in this action all involve Judge Singleton acting as the presiding judge in the Estate Proceeding, including making determinations regarding who should serve as personal representative, engaging in discussions with all parties regarding resolution of the Estate Proceeding, and entering orders in the Estate Proceeding.. Thus, the plaintiff's bare assertions of

bias and retaliation are insufficient to overcome the judicial immunity afforded to Judge Singleton and do not involve him stepping out of his judicial role. *See Gibson v. Goldston*, 85 F.4th 218, 223–26 (4th Cir. 2023) (noting that judicial immunity did not apply where a family court judge engaged in a law enforcement capacity in engaging in a search of a litigant’s home as part of property division proceedings in a divorce). As such, judicial immunity squarely applies and this action must be summarily dismissed.

***IT IS NOW THEREFORE ORDERED, ADJUDGED AND DECREED*** that Defendant’s Motion for Summary Judgment be granted and the same is hereby granted. Any and all conduct which the Plaintiff references in her Complaint was within the scope of Defendant’s duties as a Probate Judge and, accordingly, all of the Plaintiff’s claims are barred by judicial immunity.

IT IS SO ORDERED this \_\_\_ day of \_\_\_\_\_, 2024.

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The Honorable R. Lawton McIntosh  
Tenth Judicial Circuit

[JUDGE’S SIGNATURE PAGE TO FOLLOW]



Oconee Common Pleas

**Case Caption:** Dorothy Pierce VS Danny Singleton

**Case Number:** 2024CP3700080

**Type:** Order/Summary Judgment

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