

FILED: June 24, 2020

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-2398
(4:19-cv-02050-RBH)

CLARA LEWIS BROCKINGTON,

Plaintiff - Appellant,

v.

SALEM UNITED METHODIST CHURCH; THE UNITED METHODIST CHURCH SOUTH CAROLINA CONFERENCE; COUNCIL OF BISHOPS; REV. BRYAN MUNGO, Pastor; BISHOP L. JONATHAN HOLSTON; REV. TERRY FLEMING; KENNETH CARTER, JR.; CYNTHIA FIERRO HARVERY, Council of Bishops; BRUCE R. OUGH, Council of Bishops; DORETHIA BAILEY; JANICE ALEXANDER HOWARD; MAXINE MCCLAIN,

Defendants - Appellees.

ORDER

Clara Lewis Brockington has filed a motion for reconsideration of the order denying as untimely her petition for panel rehearing. Upon reconsideration, the court grants the motion. *See* 4th Cir. R. 40(c)(i).

Having reviewed the petition, however, the court denies the petition for rehearing because the court did not err in citing to Fed. R. App. P. 41(a) in its mandate. *See* Fed. R. App. P. 41(a) ("Unless the court directs that a formal mandate issue, the mandate consists

LEEDS: June 24, 2020

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

70-18-3308
(4:18-cv-03020-RBD)

CLAY LEWIS BICKNELL, INC.

Defendant - Appellee

7

SALIN UNITED METHODIST CHURCH; THE UNITED METHODIST
CHURCH SOUTH CONFERENCE; COUNCIL OF BISHOPS; REV.
BRYAN MUNDO; Pastol Bishop L. JONATHAN HOLLOWAY; REV. JERRY
HEDDING; KENNETH CARTER, JR.; CYNTHIA HIRRO HARRIS; Council
of Bishops; BRUCE R. OUGH; Council of Bishops; DOROTHY BAILY;
TANICE ALEXANDER HOWARD; MYKING MCCARTHY

Defendants - Appellees

ORDER

Clay Lewis Bicknell has filed a motion for reconsideration of the order denying
as premature her petition for panel rehearing. Upon reconsideration, the court denies the
motion. See 4th Cir. R. #0(c)(i).

Having reviewed the petition, panel, the court denies the petition for rehearing
because the court did not act in failing to let R. App. B. 41(s) in its unsigned. See Fed. R.
App. B. 41(s). Unless the court takes other action to correct this issue, the motion is denied.

of a certified copy of the judgment, a copy of the court's opinion, if any, and any direction about costs."). The court denies Brockington's motion for an additional extension of time.

Entered at the direction of the panel: Judge Niemeyer, Judge Agee, and Senior Judge Shedd.

For the Court

/s/ Patricia S. Connor, Clerk

Appendix 5

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Clara Lewis Brockington,) C/A No. 4:19-2050-RBH-TER
Plaintiff,)
)
vs.) ORDER
)
Salem United Methodist Church,)
The United Methodist Church South Carolina)
Conference,)
Council of Bishops,)
Rev. Bryan Mungo, <i>Pastor</i>)
Bishop L. Jonathan Holson,)
Rev. Terry Fleming,)
Kenneth Carter, Jr.,)
Cynthia Fierro Harvey, <i>Council of Bishops</i> ,)
Bruce R. Ough, <i>Council of Bishops</i> ,)
Dorethia Bailey,)
Janice Alexander Howard,)
Maxine McClaine,)
Defendants.)

This is a civil action filed by a *pro se* litigant. Under Local Civil Rule 73.02(B)(2) of the United States District Court for the District Court of South Carolina, pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge. By order dated August 19, 2016, Plaintiff was given a specific time frame in which to bring this case into proper form. Plaintiff has substantially complied with the court's orders, and this case is now in proper form.

PAYMENT OF THE FILING FEE:

Plaintiff's Motion for Leave to Proceed *in forma pauperis* was granted by order of this court on July 25, 2019. (ECF No. 7).

TO THE CLERK OF COURT:

The above-captioned case is subject to summary dismissal. Hence, the Office of the Clerk of Court is directed *not* to issue any summons at this time in the above-captioned case, unless instructed by a United States District Judge or a Senior United States District Judge to do so.

TO PLAINTIFF:

Plaintiff must place the civil action number (C/A No.4:16-1758) listed above on any document provided to the Court provided in connection with this case. Any future filings **must be**

sent to the address below. All documents requiring Plaintiff's signature shall be signed with Plaintiff's full legal name written in Plaintiff's own handwriting. *Pro se* litigants, such as Plaintiff, shall not use the "s/typed name" format used in the Electronic Case Filing System. In all future filings with this Court, Plaintiff is directed to use letter-sized (8½ inches by 11 inches) paper only, to write or type text on one side of a sheet of paper only and not to write or type on both sides of any sheet of paper. Plaintiff is further instructed not to write to the edge of the paper, but to maintain one-inch margins on the top, bottom, and sides of each paper submitted.

Plaintiff is a *pro se* litigant. Plaintiff's attention is directed to the following important notice:

You are ordered to always keep the Clerk of Court advised **in writing (Post Office Box 2316, Florence, South Carolina 29503)** if your address changes for any reason, so as to assure that orders or other matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this Order, you fail to meet a deadline set by this Court, your case may be dismissed for violating this Order. Therefore, if you have a change of address before this case is ended, you must comply with this Order by immediately advising the Clerk of Court in writing of such change of address and providing the Court with the docket numbers of all pending cases you have filed with this Court. Your failure to do so will not be excused by the Court.

IT IS SO ORDERED.

s/ Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge

October 18, 2019
Florence, South Carolina

Appendix F

804-916-2700

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 19-2398

CLARA LEWIS BROCKINGTON,

Plaintiff - Appellant,

v.

SALEM UNITED METHODIST CHURCH; THE UNITED METHODIST CHURCH SOUTH CAROLINA CONFERENCE; COUNCIL OF BISHOPS; REV. BRYAN MUNGO, Pastor; BISHOP L. JONATHAN HOLSTON; REV. TERRY FLEMING; KENNETH CARTER, JR.; CYNTHIA FIERRO HARVERY, Council of Bishops; BRUCE R. OUGH, Council of Bishops; DORETHIA BAILEY; JANICE ALEXANDER HOWARD; MAXINE MCCLAIN,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Florence.
R. Bryan Harwell, Chief District Judge. (4:19-cv-02050-RBH)

Submitted: March 10, 2020

Decided: March 12, 2020

Before NIEMEYER and AGEE, Circuit Judges, and SHEDD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Clara Lewis Brockington, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Clara Lewis Brockington appeals the district court's order accepting the recommendation of the magistrate judge and dismissing without prejudice her amended complaint for lack of subject matter jurisdiction. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court.

Brockington v. Salem United Methodist Church, No. 4:19-cv-02050-RBH (D.S.C. Nov. 5, 2019). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

FILED: March 12, 2020

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-2398
(4:19-cv-02050-RBH)

CLARA LEWIS BROCKINGTON

Plaintiff - Appellant

v.

SALEM UNITED METHODIST CHURCH; THE UNITED METHODIST CHURCH SOUTH CAROLINA CONFERENCE; COUNCIL OF BISHOPS; REV. BRYAN MUNGO, Pastor; BISHOP L. JONATHAN HOLSTON; REV. TERRY FLEMING; KENNETH CARTER, JR.; CYNTHIA FIERRO HARVERY, Council of Bishops; BRUCE R. OUGH, Council of Bishops; DORETHIA BAILEY; JANICE ALEXANDER HOWARD; MAXINE MCCLAIN

Defendants - Appellees

JUDGMENT

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

1. THE HISTORY OF THE CHURCH IN THE MIDDLE AGES

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INTRODUCTION. The history of the church in the middle ages is a complex and multifaceted subject, spanning several centuries and encompassing various regions and cultures. It is characterized by a period of significant political, social, and religious change, marked by the rise of powerful ecclesiastical institutions, the development of monasticism, and the spread of Christianity across Europe and beyond.

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UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Clara Lewis Brockington,)	C/A No. 4:19-2050-RBH-TER
Plaintiff,)	
)	
vs.)	Report and Recommendation
)	
Salem United Methodist Church,)	
The United Methodist Church South Carolina)	
Conference,)	
Council of Bishops,)	
Rev. Bryan Mungo, <i>Pastor</i>)	
Bishop L. Jonathan Holson,)	
Rev. Terry Fleming,)	
Kenneth Carter, Jr.,)	
Cynthia Fierro Harvey, <i>Council of Bishops</i> ,)	
Bruce R. Ough, <i>Council of Bishops</i> ,)	
Dorethia Bailey,)	
Janice Alexander Howard,)	
Maxine McClaine,)	
Defendants.)	

This is a civil action filed by a *pro se* litigant, proceeding *in forma pauperis*. Pursuant to 28 U.S.C. § 636(b)(1), and District of South Carolina Local Civil Rule 73.02(B)(2)(e), the undersigned is authorized to review all pretrial matters in such *pro se* cases and to submit findings and recommendations to the district court.

STANDARD OF REVIEW

Under established local procedure in this judicial district, a careful review has been made of Plaintiff's *pro se* complaint filed in this case. This court is required to liberally construe *pro se* complaints. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). Such *pro se* complaints are held to a less stringent standard than those drafted by attorneys. *Id.*; *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). Even under this less stringent standard, however, the *pro se* complaint is subject to

summary dismissal. The mandated liberal construction afforded to *pro se* pleadings means that if the court can reasonably read the pleadings to state a valid claim on which plaintiff could prevail, it should do so, but a district court may not rewrite a complaint to include claims that were never presented, construct the plaintiff's legal arguments for her, or conjure up questions never squarely presented to the court. *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). 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. *Weller v. Dep't of Soc. Servs.*, 901 F.2d 387, 390-91 (4th Cir. 1990) (The "special judicial solicitude" with which a [court] should view such *pro se* complaints does not transform the court into an advocate.).

DISCUSSION

Cognizant of *Goode v. Cent. Va. Legal Aid Soc'y, Inc.*, 807 F.3d 619, 623 (4th Cir. 2015) and its progeny, the court informed Plaintiff regarding the deficiencies in her original Complaint and Plaintiff was given notice and opportunity to amend her Complaint. (ECF No. 7). Plaintiff availed herself of such opportunity and filed an Amended Complaint; however, the deficiencies persist and this action is subject to summary dismissal for lack of subject matter jurisdiction.

Plaintiff sues Salem United Methodist Church and several persons affiliated with the church and leadership hierarchy of the Methodist Church generally. Plaintiff alleges she has been a long-standing member of Salem United Methodist Church. (ECF No. 23 at 13). Plaintiff alleges in 2018, Plaintiff completed her portion of the application for Golden Cross Medical Assistance, which needed her pastor's recommendation. (ECF No. 23 at 13). Plaintiff's pastor refused to provide a recommendation and Plaintiff alleges the pastor retaliated when the Bishop was notified. (ECF No.

23 at 13)(it is unclear if the “retaliation” alleged is related to the application or to Plaintiff’s membership in the church). Plaintiff alleges “a form of slander, libel, and defamation of character” was performed against her. (ECF No. 23 at 13). “I have been discriminated against by Defendants due to my age, color, gender, disability, etc.” (ECF No. 23 at 13). Plaintiff alleges statements, letters, and meetings by church members and hierarchy have harmed her reputation and attacked her Christian faith. (ECF No. 23 at 14). Plaintiff alleges as damages she is suffering from “slander, libel, defamation of character, retaliation, mental anguish, harassment, stress, depression, emotional imbalance, anxiety, fear, embarrassment, loss of place to worship, loss of leadership, punitive damages, etc.” (ECF No. 23 at 14). Plaintiff alleges she is embarrassed to leave her home and has nightmares. (ECF No. 23 at 15). Plaintiff alleges there are numerous witnesses that will testify as to baptism policies. (ECF No. 23 at 15). It appears Plaintiff is contesting her termination in church membership from the Methodist Church due to immersion baptism in a Baptist church. (ECF No. 23 at 15). Plaintiff further contests her pastor’s qualifications. (ECF No. 23 at 15). “Due to the negligence of all of these defendants for hiring a first time, uneducated, disqualified [pastor], inexperienced to a large congregation and fearing knowledge of long time members with Christian skills and numerous degrees, I am requesting that this case remain in federal court to rule on the substantial evidence in the case that comes under federal court subject matter jurisdiction.” (ECF No. 23 at 16). Plaintiff requests monetary damages and that all defendants resign immediately from all United Methodist Church affiliations. (ECF No. 23 at 17). “Defendants have violated my constitutional rights on numerous occasions according to my state of being.” (ECF No. 23 at 17).

Federal courts are courts of limited subject matter jurisdiction, “constrained to exercise only the authority conferred by Article III of the Constitution and affirmatively granted by federal statute.”

In re Bulldog Trucking, Inc., 147 F.3d 347, 352 (4th Cir. 1998). Because federal courts have limited subject matter jurisdiction, there is no presumption that the court has jurisdiction. *Pinkley, Inc. v. City of Frederick*, 191 F.3d 394, 399 (4th Cir. 1999), citing *Lehigh Mining & Mfg. Co. v. Kelly*, 160 U.S. 337, 327 (1895). Federal courts have an “independent obligation” to investigate the limits of its subject-matter jurisdiction. *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 514 (2006). As such, a federal court is required, *sua sponte*, to determine if a valid basis for its jurisdiction exists, “and to dismiss the action if no such ground appears.” *Bulldog Trucking*, 147 F.3d at 352; *see also* Fed. R. Civ. P. 12(h)(3).

District courts exercise two types of subject matter jurisdiction: federal question jurisdiction pursuant to 28 U.S.C. § 1331 and diversity jurisdiction pursuant to 28 U.S.C. § 1332. The diversity statute requires complete diversity of parties and an amount in controversy in excess of seventy-five thousand dollars (\$75,000.00). 28 U.S.C. § 1332(a). Complete diversity of parties in a case means that no party on one side may be a citizen of the same State as any party on the other side. *See Owen Equipment & Erection Co. v. Kroger*, 437 U.S. 365, 372–374 (1978). This Court has no diversity jurisdiction over this case because Plaintiff has a South Carolina address and a defendant also has a South Carolina addresses. Thus, no subject matter jurisdiction exists based upon diversity jurisdiction under § 1332. Plaintiff is may be able to pursue any state law tort claims alleged against defendants in state court, but such claims cannot form the basis for subject matter jurisdiction in this court based on Plaintiff’s Amended Complaint.

A plaintiff must allege in her pleading the facts essential to show jurisdiction. *McNutt v. General Motors Acceptance Corp.*, 298 U.S. 178, 182 (1936). To this end, Federal Rule of Civil Procedure 8(a)(1) requires that the complaint provide “a short and plain statement of the grounds for

the court's jurisdiction." If, however, the complaint does not contain "an affirmative pleading of a jurisdictional basis, the federal court may find that it has jurisdiction if the facts supporting jurisdiction have been clearly pleaded." *Pinkley, Inc.*, 191 F.3d at 399 (citing 2 *Moore's Federal Practice* § 8.03[3] (3d ed.1997)). Plaintiff has not pleaded what jurisdictional basis supports her filing in federal court. Plaintiff does not cite what federal cause of action she is pursuing or what constitutional amendment has been violated. Plaintiff does not name any state actors or pleaded that Defendants are state actors. To the extent Plaintiff is attempting to allege any claim under § 1983, no viable federal claim is stated against any of the defendants as they are non-state actors. *West v. Atkins*, 487 U.S. 42, 48 (1988).

The only other possible basis for subject matter jurisdiction that the court can liberally construe from Plaintiff's allegations is a § 1981 action. See *Weller v. Dep't of Soc. Servs.*, 901 F.2d 387, 390-91 (4th Cir.1990) (The "special judicial solicitude" with which a [court] should view such pro se complaints does not transform the court into an advocate.). To the extent Plaintiff intended to state such a § 1981 claim to support federal question jurisdiction, Plaintiff fails to sufficiently allege basic facts that could support such a claim, and thus jurisdiction. "The two major elements of a successful § 1981 claim follow from the statute's language. First, the plaintiff must possess some contractual right that the defendant blocked or impaired.... Second, the plaintiff has to demonstrate that racial discrimination drove the decision to interfere with these contractual rights." *Williams v. Richland Cnty. Children Servs.*, No. 11-4205, 489 Fed. Appx. 848, 851 (6th Cir. 2012) (citing *Domino's Pizza, Inc. v. McDonald*, 546 U.S. 470, 476 (2006)). Plaintiff has not alleged what contractual right Plaintiff has to support a *prima facie* § 1981 claim. Plaintiff's conclusory allegations that the defendants discriminated against her based on her "age, color, gender, disability,

etc.” are also insufficient to establish the necessary discriminatory animus under § 1981. *See Morales v. City of New York*, 752 F.3d. 234, 238 (2d Cir. 2014) (dismissing a Section 1981 claim where plaintiff failed to allege examples of purposeful discrimination).¹

As request for relief, Plaintiff requests monetary damages and that defendants “resign effective immediately from all [their] United Methodist affiliations.” (ECF No. ? at 17). Civil courts are restricted when they consider issues pertaining to religious organizations or doctrines. *Jones v. Wolf*, 443 U.S. 595, 602 (1979) (citations omitted). “Generally, courts may not interpret church laws, policies or practices in a manner that will limit the churches [sic] ability to fully practice its religion or be guided by its religious principles.” *JC2 v. Grammond*, 232 F. Supp. 2d 1166, 1168 (D. Or. 2002) (citing *Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940)); *see also Md. & Va. Eldership of Churches of God v. Church of God at Sharpsburg, Inc.*, 396 U.S. 367, 369 (1970) (per curiam). The First Amendment allows civil courts to adjudicate disputes within religious organizations, so long as resolution refrains from determining matters of ecclesiastical doctrine or polity. *Jones*, 443 U.S. at 610; *see also Serbian E. Orthodox Diocese for the United States & Canada v. Milivoievich*, 426 U.S. 696, 710 (1976); *Pearson v. Church of God*, 478 S.E.2d 849, 851 (S.C. 1996) (“where resolution of the [religious] disputes cannot be made without extensive inquiry by civil courts into religious law and polity, the First and Fourteenth Amendments mandate that civil courts shall not disturb the decisions of the highest ecclesiastical tribunal within a church of hierarchical polity ...”)

¹ Even if Plaintiff attempts to allege such protected class with specificity on objections, Plaintiff still has not alleged a contractual right to support a *prima facie* § 1981 claim. Moreover, objections containing new factual allegations are not proper. *See generally Cleveland v. Duvall*, No. 8:14-cv-04305-RBH, 2015 WL 6549287, at *2 (D.S.C. Oct. 28, 2015) (explaining “new factual allegations are not properly considered in the context of an objection to an R & R”), *aff’d*, 647 Fed. Appx, 156 (4th Cir. 2016).

(quoting *Milivojevich*, 426 U.S. at 709). Plaintiff, in part, also contests baptism policies and the education/qualifications of her pastor. Such matters would involve determining matters of ecclesiastical doctrine or polity or be so intertwined with other issues as to be considered ecclesiastical, and this court is prohibited from interpreting such matters of ecclesiastical doctrine.²

RECOMMENDATION

It is recommended that the District Court dismiss the Complaint in this case *without prejudice and without issuance and service of process*.³

October 18, 2019
Florence, South Carolina

s/Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge

Plaintiff's attention is directed to the important notice on the next page.

² Ecclesiastical entanglement has long been treated as a jurisdictional question. *Gregorio v. Hoover*, 238 F. Supp. 3d 37, 46 (D.D.C. 2017).

³ See *Platts v. O'Brien*, 691 Fed. Appx. 774 (4th Cir. June 22, 2017) (citing *S. Walk at Broadlands Homeowner's Ass'n v. OpenBand at Broadlands, LLC*, 713 F.3d 175, 185 (4th Cir. 2013)) ("A dismissal for ... [a] defect in subject matter jurisdiction[] must be one without prejudice, because a court that lacks jurisdiction has no power to adjudicate and dispose of a claim on the merits.").

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
Post Office Box 2317
Florence, South Carolina 29503

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *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).

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Clara Lewis Brockington,)	Civil Action No.: 4:19-cv-02050-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Salem United Methodist Church, <i>et al.</i> ,)	
)	
Defendants.)	
)	

This matter is before the Court for review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Thomas E. Rogers, III, who recommends summarily dismissing this action without prejudice for lack of subject matter jurisdiction.¹ *See* ECF No. 25.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Plaintiff has not filed objections to the R & R, and the time for doing so has expired.² In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the

¹ The Magistrate Judge issued the R & R in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). The Court is mindful of its duty to liberally construe the pleadings of pro se litigants such as Plaintiff. *See Gordon v. Leake*, 574 F.2d 1147, 1151 (4th Cir. 1978). *But see Beaudett v. City of Hampton*, 775 F.2d 1274, 1278 (4th Cir. 1985) (“Principles requiring generous construction of pro se complaints are not, however, without limits. *Gordon* directs district courts to construe pro se complaints liberally. It does not require those courts to conjure up questions never squarely presented to them.”).

² Plaintiff’s objections were due by November 4, 2019. *See* ECF Nos. 25 & 26.

Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’” (quoting Fed. R. Civ. P. 72 advisory committee’s note)).

After a thorough review of the record in this case, the Court finds no clear error and therefore adopts the Magistrate Judge's R & R [ECF No. 25]. Accordingly, the Court **DISMISSES** this action *without prejudice* and without issuance and service of process.³

IT IS SO ORDERED.

Florence, South Carolina
November 5, 2019

s/ R. Bryan Harwell
R. Bryan Harwell
Chief United States District Judge

³ The Magistrate Judge provided Plaintiff an opportunity to file an amended complaint, which she did. *See* ECF Nos. 13, 20, 22, & 23; *see generally Goode v. Cent. Virginia Legal Aid Soc'y, Inc.*, 807 F.3d 619, 623 (4th Cir. 2015). The Court is dismissing this action without prejudice based on lack of subject matter jurisdiction. *See S. Walk at Broadlands Homeowner's Ass'n, Inc. v. OpenBand at Broadlands, LLC*, 713 F.3d 175, 185 (4th Cir. 2013) (“[D]ismissals for lack of jurisdiction should be without prejudice because the court, having determined that it lacks jurisdiction over the action, is incapable of reaching a disposition on the merits of the underlying claims.” (alteration in original)) (citation omitted)).

Appendix G

Other Events

4:19-cv-02050-RBH Brockington
v. Salem United Methodist
Church et al

JURY, PROSE

U.S. District Court

District of South Carolina

Notice of Electronic Filing

The following transaction was entered on 11/5/2019 at 1:25 PM EST and filed on 11/5/2019

Case Name: Brockington v. Salem United Methodist Church et al

Case Number: 4:19-cv-02050-RBH

Filer:

WARNING: CASE CLOSED on 11/05/2019

Document Number: 28

Docket Text:

JUDGMENT by the clerk. This case is dismissed without prejudice and without issuance and service of process. (dsto,)

4:19-cv-02050-RBH Notice has been electronically mailed to:

4:19-cv-02050-RBH Notice will not be electronically mailed to:

Clara Lewis Brockington
Post Office Box 3232
Florence, SC 29502

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1091130295 [Date=11/5/2019] [FileNumber=9341425-0] [07cf80764271b790d5000bd3622e8363d62cdb9ad0a41f3752f869d147157d94ff da7bf80693cf23d24e103734c14e1e2a4c40dad28be6fa7541c74e4b50f7b]]

UNITED STATES DISTRICT COURT
for the

District of South Carolina

Clara Lewis Brockington*Plaintiff*

v.

Salem United Methodist Church, The United
Methodist Church South Carolina Conference,
Council of Bishops, Rev. Bryan Mungo, Bishop L.
Jonathan Holston, Rev. Terry Fleming,
Kenneth Carter, Jr., Cynthia Fierro Harvey, et al.*Defendant*

Civil Action No. 4:19-cv-2050-RBH

)

)

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JUDGMENT IN A CIVIL ACTION

The court has ordered that (check one):

the plaintiff (name) _____ recover from the defendant (name) _____ the amount of _____ dollars (\$_____), which includes prejudgment interest at the rate of ____ %, plus postjudgment interest at the rate of ____ %, along with costs.

the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (name) _____ recover costs from the plaintiff (name) _____.

other: This case is dismissed without prejudice and without issuance and service of process.

This action was (check one):

tried by a jury, the Honorable _____ presiding, and the jury has rendered a verdict.

tried by the Honorable _____ presiding, without a jury and the above decision was reached.

decided by the Honorable Chief Judge R. Bryan Harwell, United States District Judge who adopted the Report and Recommendation of the Honorable Thomas E. Rogers, III, United States Magistrate Judge.

Date: November 5, 2019

*CLERK OF COURT*s/Debbie Stokes*Signature of Clerk or Deputy Clerk*

Appendix H

Appeal Documents

4:19-cv-02050-RBH Brockington
v. Salem United Methodist
Church et al CASE CLOSED on
11/05/2019

APPEAL,CLOSED,PROSE

U.S. District Court

District of South Carolina

Notice of Electronic Filing

The following transaction was entered on 12/5/2019 at 7:06 PM EST and filed on 12/5/2019

Case Name: Brockington v. Salem United Methodist Church et al

Case Number: 4:19-cv-02050-RBH

Filer:

WARNING: CASE CLOSED on 11/05/2019

Document Number: 31

Docket Text:

Transmittal Sheet for Notice of Appeal to USCA re [30] Notice of Appeal, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (dsto,)

4:19-cv-02050-RBH Notice has been electronically mailed to:

4:19-cv-02050-RBH Notice will not be electronically mailed to:

Clara Lewis Brockington
Post Office Box 3232
Florence, SC 29502

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1091130295 [Date=12/5/2019] [FileNumber=9388472-0
] [638a469fc9ce9e49e91ed7c6425e84e130edc199f12da90d1a28e1714510b7d1cda
17cb79b2016465ed52178a97bafc42ea9ff0aaf9177a84101f2486a59d949]]

APPEAL TRANSMITTAL SHEET (non-death penalty)

<p>Transmittal to 4CCA of notice of appeal filed: <u>12/05/19</u></p> <p><input checked="" type="checkbox"/> First NOA in Case <input type="checkbox"/> Subsequent NOA-same party <input type="checkbox"/> Subsequent NOA-new party <input type="checkbox"/> Subsequent NOA-cross appeal <input type="checkbox"/> Paper ROA <input type="checkbox"/> Paper Supp.</p> <p>Vols: _____</p> <p>Other: _____</p>		<p>District: SOUTH CAROLINA</p> <p>Division: FLORENCE</p> <p>Caption: Clara Lewis Brockington vs. Salem United Methodist Church, The United Methodist Church South Carolina Conference, et al</p>	<p>District Case No.: 4:19-cv-2050-RBH</p> <p>4CCA No(s). for any prior NOA: _____</p> <p>4CCA Case Manager: _____</p>
<p>Exceptional Circumstances: <input type="checkbox"/> Bail <input type="checkbox"/> Interlocutory <input type="checkbox"/> Recalcitrant Witness <input type="checkbox"/> Other _____</p>			
<p>Confinement-Criminal Case:</p> <p><input type="checkbox"/> Death row-use DP Transmittal <input type="checkbox"/> Recalcitrant witness <input type="checkbox"/> In custody <input type="checkbox"/> On bond <input type="checkbox"/> On probation</p> <p>Defendant Address-Criminal Case:</p>	<p>Fee Status:</p> <p><input type="checkbox"/> No fee required (USA appeal) <input type="checkbox"/> Appeal fees paid in full <input type="checkbox"/> Fee not paid</p> <p>Criminal Cases:</p> <p><input type="checkbox"/> District court granted & did not revoke CJA status (continues on appeal) <input type="checkbox"/> District court granted CJA & later revoked status (must pay fee or apply to 4CCA) <input type="checkbox"/> District court never granted CJA status (must pay fee or apply to 4CCA)</p> <p>Civil, Habeas & 2255 Cases:</p> <p><input checked="" type="checkbox"/> Court granted & did not revoke IFP status (continues on appeal) <input type="checkbox"/> Court granted IFP & later revoked status (must pay fee or apply to 4CCA) <input type="checkbox"/> Court never granted IFP status (must pay fee or apply to 4CCA)</p>		
	<p>District Judge: Hon. R. Bryan Harwell</p> <p>Court Reporter (list all):</p>	<p>PLRA Cases:</p> <p><input type="checkbox"/> Proceeded PLRA in district court, no 3-strike determination (must apply to 4CCA) <input type="checkbox"/> Proceeded PLRA in district court, determined to be 3-striker (must apply to 4CCA)</p> <p>Sealed Status (check all that apply):</p> <p><input type="checkbox"/> Portions of record under seal <input type="checkbox"/> Entire record under seal <input type="checkbox"/> Party names under seal <input type="checkbox"/> Docket under seal</p>	
<p>Coordinator:</p>		<p>Record Status for Pro Se Appeals (check any applicable):</p> <p><input checked="" type="checkbox"/> Assembled electronic record transmitted <input type="checkbox"/> Additional sealed record emailed to 4cca-filing <input type="checkbox"/> Paper record or supplement shipped to 4CCA <input type="checkbox"/> No in-court hearings held <input type="checkbox"/> In-court hearings held – all transcript on file <input type="checkbox"/> In-court hearings held – all transcript not on file <input type="checkbox"/> Other: _____</p> <p>Record Status for Counselled Appeals (check any applicable):</p> <p><input type="checkbox"/> Assembled electronic record available if requested <input type="checkbox"/> Additional sealed record available if requested <input type="checkbox"/> Paper record or supplement available if requested <input type="checkbox"/> No in-court hearings held <input type="checkbox"/> In-court hearings held – all transcript on file <input type="checkbox"/> In-court hearings held – all transcript not on file <input type="checkbox"/> Other: _____</p>	

Deputy Clerk: Debbie Stokes

Phone: 843/676-3820

Date: 12/05/19



THE UNITED METHODIST CHURCH
SOUTH CAROLINA CONFERENCE
4908 COLONIAL DRIVE, SUITE 121
COLUMBIA, SOUTH CAROLINA 29203
TELEPHONE - (803) 786-9486
FAX - (803) 399-9959

Exhibit 4

L. JONATHAN HOLSTON
RESIDENT BISHOP

LOLLIE HASELDEN
EXECUTIVE ASSISTANT

July 16, 2018

Ms. Clara L. Brockington
PO Box 3232
Florence, SC 29502

Dear Ms. Brockington,

Thank you for your letter, dated July 11th, that was received today in my office. I am forwarding it to Rev. Terry Fleming, Florence District Superintendent of the United Methodist Church, and I encourage you to have further communication with him related to this matter.

It is my prayer that you find healing and can continue to support Salem United Methodist Church and the South Carolina Annual Conference with your prayers, presence, gifts, service, and witness.

Grace and Peace,

L. Jonathan Holston
Resident Bishop

LJH/lh

To Whom It May Concern

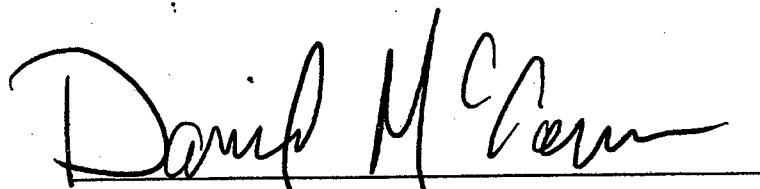
From: Rev. Daniel K. McCowan
Pastor of Maxwell Baptist Church

Date: November 15, 2018

Re: Membership

This memo is to confirm that Mrs. Clara Lewis Brockington received "Reaffirmation of her Baptism" at Maxwell Baptist Church by Rev. McCowan, Pastor. She did not receive the "Right Hand of Fellowship" nor did she choose to become a member of Maxwell Baptist Church.

Thanks for allowing me to confirm this baptism of Mrs. Brockington. May God bless and keep each of you!



Rev. Daniel K. McCowan, Pastor
Maxwell Baptist Church

Exhibit 2

**LIST OF A FEW MEMBERS BAPTISED AT OTHER
CHURCHES AND REMAIN FULL MEMBER OF
SALEM UNITED METHODIST CHURCH**

Exhibit 3

- 1/ Josephine Kelly Lewis
- 2/ Ruth Harrison
- 3/ Lenora Wearing
- 4/ Fred Kelly Sr.
- 5/ Josephine Smalls Kelly
- 6/ Leo J. Lewis
- 7/ Carrie L. Keels
- 8/ Olin James, President of Usher Board, etc.
- 9/ Stephanie J. Ashley, Secretary of Conference
- 10/ Rev. Mack Hines
- 11/ Rev. Singleton
- 12/ Sammie Lee Kelly
- 13/ Patricia Edwards
- 14/ Clara Greene
- 15/ Clarissa Edwards

Salem United Methodist Church,
5814 Old River Road
Florence, South Carolina 29505

Exhibit A

October 24, 2018

Clara L. Brockington
Post Office Box 3232
Florence SC 29505

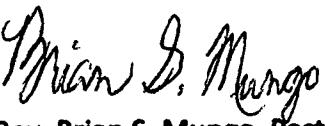
Ms. Brockington,

Please receive this letter as official notification that your membership to the Salem United Methodist Church located at 5814 Old River Road, Florence SC 29505 is terminated effective immediately. This action is taken in accordance with Paragraph 241 of The BOOK OF DISCIPLINE OF THE UNITED METHODIST CHURCH – “Withdrawal Without Notice.” The basis for this action comes from information shared with me that you united with Maxwell Baptist Church also in the city of Florence. After communication with Ms. Janice Howard, Records Clerk at Maxwell Baptist, she confirmed both via email and US Mail that you were baptized on August 22, 2014 and you also “received the right hand of fellowship which confirmed your membership” with the Maxwell congregation. Ms. Howard also noted in her letter to me that “your name does appear on the membership roll” of the Maxwell Baptist Church.

Therefore, you are released from both membership and ALL positions of leadership held in the congregation of Salem United Methodist Church. It is imperative that you immediately return the church key and/or any other church property in your possession to Mr. Johnny Harley, Chair of The Board of Trustees.

While you are receiving this notification via email, a copy of this correspondence is also being mailed to you via US Mail. Copies of this correspondence are also being forwarded to persons who are specified below and will be properly shared with the upcoming Charge Conference.

Regards,


Rev. Brian S. Mungo, Pastor
Salem United Methodist Church

1029. *Argum. 2* *MSB. V. 9*
1030. *Argum. 3* *MSB. V. 9*

Digitized by srujanika@gmail.com

Guinea also is developing resources that it is likely to have a significant impact on the economy. The country has a large amount of oil and gas reserves, and it is currently investing in infrastructure to support its energy sector.

OF THE BOSLO OF 19262.

that in this circumstance to consider it a disadvantage is to do violence to the spirit of the law.

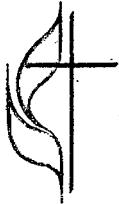
sheer on the membership list of the Maxwell Baptist Church.

WE BLOCKED THEM

FLORENCE SC 29820-2
BOX 40048 BOX 2535
CIRCLE 11 BLOCK 100

OCUPPEL 34° 5018

2020-2021 Schuljahr
BORG BIRK BLO A188



The United Methodist Church
FLORENCE DISTRICT
SOUTH CAROLINA CONFERENCE
P. O. BOX 408
FLORENCE, SOUTH CAROLINA 29503-0408

TERRY FLEMING
SUPERINTENDENT

Exhibit 5

Office: (843) 669-5992
Fax: (843) 673-9883
Email: fldist@umcsc.org

July 20, 2018

Ms. Clara Lewis Brockington
P. O. Box 3232
Florence, SC 29502

Dear Ms. Brockington:

I am in receipt of a copy of your July 11, 2018 correspondence to Bishop Holston regarding Rev. Briant Mungo. Thank you for reaching out. From the words you have used, you have indicated your frustration.

I have spoken with Rev. Mungo about the meeting that was held. I hear your frustration regarding others being present during the meeting. Rev. Mungo has shared with me that the initial topic was related to Golden Cross and different understandings of application policy and procedure. I have asked the conference office to clarify information that will help all of us.

It is my sincere prayer that you will seek and find an amicable solution to this misunderstanding. Our faith in Jesus Christ and the vows of membership we have taken to Christ's church call us to nothing less.

Grace and peace,

Terry Fleming
District Superintendent

aob

mtfleming@umcsc.org

[Print Window](#)*Exhibit 6*

Subject: RE: Request For A Meeting

From: papookelly@yahoo.com
To: bsmungo@umcsc.org; papookelly@yahoo.com
Cc: mtfleming@umcsc.org
Bcc: c_brock_00@yahoo.com; clbrockington1994@yahoo.com

Date: Tuesday, July 24, 2018 02:16:57 PM

After speaking with Rev. Terry Fleming, District Superintendent and numerous other pastors and Legal Advisors, I was advised to request a meeting with you to discuss numerous serious issues that took place at the meeting at Salem UMC in June 2018, and to share my frustrations, my rights and confidentiality being violated and my expectations of you as the Pastor at Salem UMC in the future. I am aware that you are away at Duke University at this time, so if you could give me some dates and times of your availability, I would appropriately choose a convenient date and time for our meeting.

I look forward to hearing from you at your earliest convenience.

Mrs. Clara Lewis Brockington
Member of Salem UMC

7/24/2018

110-11-214 messages/7019

8/5/18

Exhibit 6

Rev Mungo

I waited for you to discuss
a meeting date, but had to

leave after my meeting,

Please call to set up our
meeting.

Thanks

C.L. Brooking for

BCC

P. O. Box 3232
Florence, SC 29502
November 1, 2018

Exhibit 7

Mr. L. Jonathan Holston
Resident Bishop
The United Methodist Church
South Carolina Conference
4908 Colonial Drive, Suite 121
Columbia, South Carolina 29203

Re: Falsified Letter from Rev. Brian S. Mungo, Pastor of Salem United Methodist Church dated October 24, 2018

Dear Bishop Holston:

Please find attached a falsified letter from Rev. Mungo, where he continues to retaliate against me for contacting you about him breaking confidentiality with my letter to you, dated July 11, 2018. After receiving a letter from Rev. Fleming dated July 20, 2018, it appears that Rev. Mungo validates that he was wrong in the way he handled the situation of having Dorethia Bailey and Maxine McClain in a meeting that I requested confidentiality, and the three of them violated my confidentiality. However, Rev. Fleming asked that we meet and try to resolve this matter. I followed the recommendations of Rev. Fleming and requested a meeting on three different occasions and Rev. Mungo refused to meet with me, even if a meeting was held in the midst of Rev. Fleming.

Rev. Mungo, Dorethia and Maxine attempted to find violations on me and have been incorrect, when they requested the letter from Janice Howard at Maxwell Baptist Church. There are many family members, siblings, friends and members in Salem United Methodist Church that have chosen to be Baptised in water as well as the Methodist Baptism. I have chosen also to become one of those members BEFORE Rev. Mungo became the Pastor of Salem United Methodist Church.

Before contacting the Pastor at Maxwell Baptist Church to request baptism ONLY, I discussed this matter with numerous United Methodist Pastors that I am constantly affiliated with on a regular basis. After speaking with pastors involved and getting the approval to be "Baptized ONLY" and not be given the Right Hand of Fellowship and Not Become a Part of Any Committees and Not Attend Any Membership Classes at Maxwell Baptist Church, the pastors agreed that I would remain a member of Salem United Methodist Church. My daughter and I were baptized on the same day and it appears that there has been a mixed up by Janice Howard, Records Clerk, with Maxwell Church, as well as Rev. Mungo, Maxine and Dorethia, who initiated this retaliation. **NO PASTORS BEFORE REV. MUNGO STARTED THIS FOOLISHNESS AND WE ARE WONDERING WHY. IS THIS RETALIATION, DISCRIMINATION, HARASSMENT, ETC?**

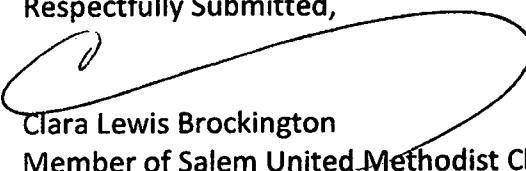
I have shared this falsified letter with numerous United Methodist Pastors, numerous Baptist Pastors and other siblings and family members of Salem United Methodist Church, who have reached out to other Pastors to be baptized at other churches and continues to remain members of Salem United Methodist Church. These United Methodist Pastors discussed several ways to be baptized and still remain a member of Salem United Methodist Church and remain on all committees at Salem United Methodist Church.

This matter has been taken out of contents by Rev. Mungo, Dorethia and Maxine and approved by Rev. Fleming, according to the way the United Methodist Pastors, Baptist Pastors and myself have read this. There were witnesses to my conversation with ALL of the pastors. Rev. Mungo was NOT a witness to the conversation nor the baptism; Janice was NOT a witness to the conversations nor the baptism; and Rev. McCown is very ill dealing with his illnesses at this time so it will be inappropriate (due to memory status), unprofessional and rude for him to be contacted concerning a matter that I have witnesses.

I am requesting that you contact Rev. Fleming, Rev. Mungo, Dorethia and Maxine and request that their foolishness STOP now to avoid other actions being taken. If Rev. Mungo wants to take surveys on ALL persons who have been baptized outside of Salem UMC, then he would have contacted my siblings, other family members and friends of Salem UMC and this has NOT been done by Rev. Mungo. This could be looked at as a form of discrimination and retaliation since he did not complete a TOTAL church member's survey. However, the other pastors informed me to contact you expediteley and request that Rev. Mungo, Dorethia and Maxine cease their foolishness NOW. Other pastors involved are witnesses that Rev. McCowan was Instructed that my baptism did NOT include any membership, attending membership classes nor becoming a member of any committees at Maxwell Baptist Church.

I am requesting that you contact me as soon as you receive this letter. I can be reached at 616-1317. Also, I will be in Columbia, SC next week so I could stop by to discuss this matter more in depth, so that you may pass on the CORRECT INFORMATION to the South Carolina Charge Conference. I will continue working for the LORD in all of my capacities at Salem United Methodist Church. Thanks in advance for your immediate cooperation on intervening on this very SERIOUS matter, where my health, character, history, background, church affiliations, love for the LORD, judgment, faithfulness, honesty, etc., have been affected in numerous ways. I trust your intervention will resolve ALL matters to avoid further actions.

Respectfully Submitted,


Clara Lewis Brockington
Member of Salem United Methodist Church

Attachment