

A

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-6072

BENJAMIN-MACON BELL, JR.,

Plaintiff - Appellant,

v.

SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES; ANISHA
LUDLEY,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at
Columbia. Mary G. Lewis, District Judge. (3:23-cv-06051-MGL)

Submitted: June 25, 2024

Decided: July 2, 2024

Before RICHARDSON and QUATTLEBAUM, Circuit Judges, and TRAXLER, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Benjamin-Macon Bell, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Benjamin-Macon Bell, Jr., appeals the district court's order dismissing his civil action. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B). The magistrate judge recommended that relief be denied and advised Bell that failure to file timely, specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation.

The timely filing of specific objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned of the consequences of noncompliance. *Martin v. Duffy*, 858 F.3d 239, 245 (4th Cir. 2017); *Wright v. Collins*, 766 F.2d 841, 846-47 (4th Cir. 1985); see also *Thomas v. Arn*, 474 U.S. 140, 154-55 (1985). Bell has waived appellate review by failing to file objections to the magistrate judge's recommendation after receiving proper notice. Accordingly, we affirm the judgment of the district court. 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: July 2, 2024

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-6072
(3:23-cv-06051-MGL)

BENJAMIN-MACON BELL, JR.

Plaintiff - Appellant

v.

SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES; ANISHA
LUDLEY

Defendants - Appellees

J U D G M E N T

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/ NWAMAKA ANOWI, CLERK

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-6072, Benjamin-Macon Bell, Jr. v. SC Dept. Social Services
3:23-cv-06051-MGL

NOTICE OF JUDGMENT

Judgment was entered on this date in accordance with Fed. R. App. P. 36. Please be advised of the following time periods:

PETITION FOR WRIT OF CERTIORARI: The time to file a petition for writ of certiorari runs from the date of entry of the judgment sought to be reviewed, and not from the date of issuance of the mandate. If a petition for rehearing is timely filed in the court of appeals, the time to file the petition for writ of certiorari for all parties runs from the date of the denial of the petition for rehearing or, if the petition for rehearing is granted, the subsequent entry of judgment. See Rule 13 of the Rules of the Supreme Court of the United States; www.supremecourt.gov.

VOUCHERS FOR PAYMENT OF APPOINTED OR ASSIGNED COUNSEL:

Vouchers must be submitted within 60 days of entry of judgment or denial of rehearing, whichever is later. If counsel files a petition for certiorari, the 60-day period runs from filing the certiorari petition. (Loc. R. 46(d)). If payment is being made from CJA funds, counsel should submit the CJA 20 or CJA 30 Voucher through the CJA eVoucher system. In cases not covered by the Criminal Justice Act, counsel should submit the Assigned Counsel Voucher to the clerk's office for payment from the Attorney Admission Fund. An Assigned Counsel Voucher will be sent to counsel shortly after entry of judgment. Forms and instructions are also available on the court's web site, www.ca4.uscourts.gov, or from the clerk's office.

BILL OF COSTS: A party to whom costs are allowable, who desires taxation of costs, shall file a Bill of Costs within 14 calendar days of entry of judgment. (FRAP 39, Loc. R. 39(b)).

PETITION FOR REHEARING AND PETITION FOR REHEARING EN

BANC: A petition for rehearing must be filed within 14 calendar days after entry of judgment, except that in civil cases in which the United States or its officer or agency is a party, the petition must be filed within 45 days after entry of judgment. A petition for rehearing en banc must be filed within the same time limits and in the same document as the petition for rehearing and must be clearly identified in the title. The only grounds for an extension of time to file a petition for rehearing are the death or serious illness of counsel or a family member (or of a party or family member in pro se cases) or an extraordinary circumstance wholly beyond the control of counsel or a party proceeding without counsel.

Each case number to which the petition applies must be listed on the petition and included in the docket entry to identify the cases to which the petition applies. A timely filed petition for rehearing or petition for rehearing en banc stays the mandate and tolls the running of time for filing a petition for writ of certiorari. In consolidated criminal appeals, the filing of a petition for rehearing does not stay the mandate as to co-defendants not joining in the petition for rehearing. In consolidated civil appeals arising from the same civil action, the court's mandate will issue at the same time in all appeals.

A petition for rehearing must contain an introduction stating that, in counsel's judgment, one or more of the following situations exist: (1) a material factual or legal matter was overlooked; (2) a change in the law occurred after submission of the case and was overlooked; (3) the opinion conflicts with a decision of the U.S. Supreme Court, this court, or another court of appeals, and the conflict was not addressed; or (4) the case involves one or more questions of exceptional importance. A petition for rehearing, with or without a petition for rehearing en banc, may not exceed 3900 words if prepared by computer and may not exceed 15 pages if handwritten or prepared on a typewriter. Copies are not required unless requested by the court. (FRAP 35 & 40, Loc. R. 40(c)).

MANDATE: In original proceedings before this court, there is no mandate. Unless the court shortens or extends the time, in all other cases, the mandate issues 7 days after the expiration of the time for filing a petition for rehearing. A timely petition for rehearing, petition for rehearing en banc, or motion to stay the mandate will stay issuance of the mandate. If the petition or motion is denied, the mandate will issue 7 days later. A motion to stay the mandate will ordinarily be denied, unless the motion presents a substantial question or otherwise sets forth good or probable cause for a stay. (FRAP 41, Loc. R. 41).

U.S. COURT OF APPEAL FOR THE FOURTH CIRCUIT BILL OF COSTS FORM
(Civil Cases)

Directions: Under FRAP 39(a), the costs of appeal in a civil action are generally taxed against appellant if a judgment is affirmed or the appeal is dismissed. Costs are generally taxed against appellee if a judgment is reversed. If a judgment is affirmed in part, reversed in part, modified, or vacated, costs are taxed as the court orders. A party who wants costs taxed must, within 14 days after entry of judgment, file an itemized and verified bill of costs, as follows:

- Itemize any fee paid for docketing the appeal. The fee for docketing a case in the court of appeals is \$600 (effective 12/1/2023). The \$5 fee for filing a notice of appeal is recoverable as a cost in the district court.
- Itemize the costs (not to exceed \$.15 per page) for copying the necessary number of formal briefs and appendices. (The court typically orders 4 copies when tentatively calendared; 0 copies for service unless brief/appendix is sealed.). The court bases the cost award on the page count of the electronic brief/appendix. Costs for briefs filed under an informal briefing order are not recoverable.
- Cite the statutory authority for an award of costs if costs are sought for or against the United States. See 28 U.S.C. § 2412 (limiting costs to civil actions); 28 U.S.C. § 1915(f)(1) (prohibiting award of costs against the United States in cases proceeding without prepayment of fees).

Any objections to the bill of costs must be filed within 14 days of service of the bill of costs. Costs are paid directly to the prevailing party or counsel, not to the clerk's office.

Case Number & Caption: _____

Prevailing Party Requesting Taxation of Costs: _____

Appellate Docketing Fee (prevailing appellants):			Amount Requested: _____			Amount Allowed: _____	
Document	No. of Pages		No. of Copies		Page Cost (≤\$.15)	Total Cost	
	Requested	Allowed (court use only)	Requested	Allowed (court use only)		Requested	Allowed (court use only)
TOTAL BILL OF COSTS:						\$0.00	\$0.00

1. If copying was done commercially, I have attached itemized bills. If copying was done in-house, I certify that my standard billing amount is not less than \$.15 per copy or, if less, I have reduced the amount charged to the lesser rate.
2. If costs are sought for or against the United States, I further certify that 28 U.S.C. § 2412 permits an award of costs.
3. I declare under penalty of perjury that these costs are true and correct and were necessarily incurred in this action.

Signature: _____ Date: _____

Certificate of Service

I certify that on this date I served this document as follows:

Signature: _____ Date: _____

Other Orders/Judgments

3:23-cv-06051-MGL-PJG Bell v.
South Carolina Department of
Social Services et al

PROSE

U.S. District Court
District of South Carolina

Notice of Electronic Filing

The following transaction was entered on 12/18/2023 at 4:03 PM EST and filed on 12/18/2023

Case Name: Bell v. South Carolina Department of Social Services et al

Case Number: 3:23-cv-06051-MGL

Filer:

Document Number: 9

Docket Text:

REPORT AND RECOMMENDATION recommending [1] Complaint filed by Benjamin-Macon Bell, Jr be summarily dismissed without prejudice and without issuance and service of process. Objections to R&R due by 1/3/2024. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. Signed by Magistrate Judge Paige J. Gossett on 12/18/2023. (apsn)

3:23-cv-06051-MGL Notice has been electronically mailed to:

3:23-cv-06051-MGL Notice will not be electronically mailed to:

Benjamin-Macon Bell, Jr
c/o 141 Railbrook Rd
Hopkins, SC 29061

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=12/18/2023] [FileNumber=11595723-0] [2a3d36bf60ff593eee1f6fde838384d894941f2c6593f0972f9b38e31b8ec6d050d32d5110caf6b5c7f8bdda34bbd70cb29746896f24ba47a07255dcd151291e]]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Benjamin-Macon Bell, Jr.,)	C/A No. 3:23-6051-MGL-PJG
)	
Plaintiff,)	
)	
v.)	
)	REPORT AND RECOMMENDATION
South Carolina Department of Social)	
Services; Anisha Ludley,)	
)	
Defendants.)	
)	

Plaintiff Benjamin-Macon Bell, Jr., proceeding *pro se*, brings this civil action for damages. This matter is before the court pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.) for initial review pursuant to 28 U.S.C. § 1915. Having reviewed the Complaint in accordance with applicable law, the court concludes this matter should be summarily dismissed without prejudice and without issuance and service of process.

I. Factual and Procedural Background

Plaintiff filed this action on a standard complaint form provided by the court, seeking damages against the defendants, but without explaining his relationship to the defendants. Where the form asks for a basis for the court's jurisdiction, Plaintiff lists numerous federal criminal statutes relating to fraud and conspiracy; the Eleventh Amendment; 42 U.S.C. § 1983 (relating to deprivations of rights); and other federal statutes and case citations. In a section of the form asking Plaintiff to write a short and plain statement of his claim, Plaintiff alleges that "Defendants are committing fraud, racketeering, and identity theft by processing paperwork without my signature." (Compl., ECF No. 1 at 4.) Plaintiff also alleges that the defendants committed "fraud" against the United States Department of Veterans Affairs. (*Id.*) Finally, Plaintiff alleges he was threatened

with legal fees and more child support if he did not comply with the orders of the family court. Plaintiff lists multiple bases for damages, all vaguely related to fraud, abuse of the legal process, and criminal acts.

II. Discussion

A. Standard of Review

Under established local procedure in this judicial district, a careful review has been made of the *pro se* Complaint. The Complaint has been filed pursuant to 28 U.S.C. § 1915, which permits an indigent litigant to commence an action in federal court without prepaying the administrative costs of proceeding with the lawsuit. This statute allows a district court to dismiss the case upon a finding that the action “is frivolous or malicious,” “fails to state a claim on which relief may be granted,” or “seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B).

To state a claim upon which relief can be granted, the plaintiff must do more than make mere conclusory statements. See Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007). Rather, the complaint must contain sufficient factual matter, accepted as true, to state a claim that is plausible on its face. Iqbal, 556 U.S. at 678; Twombly, 550 U.S. at 570. The reviewing court need only accept as true the complaint’s factual allegations, not its legal conclusions. Iqbal, 556 U.S. at 678; Twombly, 550 U.S. at 555.

This court is required to liberally construe *pro se* complaints, which are held to a less stringent standard than those drafted by attorneys. Erickson v. Pardus, 551 U.S. 89, 94 (2007); King v. Rubenstein, 825 F.3d 206, 214 (4th Cir. 2016). Nonetheless, 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 cognizable in a federal district court. See Weller v. Dep’t of Soc. Servs.,

901 F.2d 387 (4th Cir. 1990); see also Ashcroft v. Iqbal, 556 U.S. 662, 684 (2009) (outlining pleading requirements under Rule 8 of the Federal Rules of Civil Procedure for “all civil actions”).

B. Analysis

The court concludes Plaintiff’s Complaint fails to state a claim upon which relief can be granted against the defendants.

Federal Rule of Civil Procedure 8 requires that a pleading that states a claim for relief must contain:

- (1) a short and plain statement of the grounds for the court’s jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;
- (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and
- (3) a demand for the relief sought, which may include relief in the alternative or different types of relief.

Fed. R. Civ. P. 8(a).

Here, Plaintiff fails to provide even basic facts about the defendants that would plausibly explain why the defendants are liable to Plaintiff. Nor does Plaintiff raise a recognizable legal claim or explain how he was injured. See Fed. R. Civ. P. 8 (requiring that a pleading contain “a short and plain statement of the claim showing that the pleader is entitled to relief”); Iqbal, 556 U.S. at 678 (stating Federal Rule of Civil Procedure 8 does not require detailed factual allegations, but it requires more than a plain accusation that the defendant unlawfully harmed the plaintiff, devoid of factual support). Plaintiff fails to provide any facts that would connect the defendants to Plaintiff’s claims for damages. See Langford v. Joyner, 62 F.4th 122, 126 (4th Cir. 2023) (“[W]e do not require a complaint to contain detailed factual allegations. But we do require sufficient facts to allow the court to infer liability as to *each* defendant. This is baked into Rule 8’s requirement that the complaint ‘show’ the plaintiff is entitled to relief.”) (internal citations and

quotation marks omitted). Therefore, Plaintiff fails to state a claim against the defendants upon which relief can be granted.

III. Conclusion

Accordingly, the court recommends that this case be summarily dismissed without prejudice and without issuance and service of process.

December 18, 2023
Columbia, South Carolina



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

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

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
901 Richland Street
Columbia, South Carolina 29201

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).

C
STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Benjamin Macon Bell,

Plaintiff,

vs.

South Carolina Department of Social Services-
Child Support Division,

Defendants.

**IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT**

Civil Action No.: 2023-CP-40-00262

**NOTICE OF MOTION AND
MOTION TO DISMISS**

TO BENJAMIN MACON BELL:

YOU WILL PLEASE TAKE NOTICE that the undersigned attorney for Defendant will move before the Presiding Judge of the Fifth Judicial Circuit at the Richland County Courthouse, Columbia, South Carolina, on the tenth (10th) day after service hereof, or as soon thereafter as counsel may be heard, or at such time and place as may be set by the Court, for an Order dismissing this action in its entirety. This motion is based on the following grounds:

1. This Court lacks subject matter jurisdiction over the matters alleged in the Complaint. Specifically, Plaintiff's claim appears to arise out of allegations that DSS improperly collected child support arrears from him. Under South Carolina law, exclusive jurisdiction in all matters related to child support, including determinations of overpayment, lies with the family courts. *See* S.C. Code Ann. § 63-3-530(A)(11)-(17) (setting forth the various matters as to which the family court has "exclusive jurisdiction"). In addition, because Plaintiff complains about matters pertaining to an existing family court matter, the proper place to seek relief is with the family court. *See, e.g.,* S.C. Code Ann. §63-17-320 ("Any family court has jurisdiction and authority to enforce or modify an order or decree of any other court respecting support of wife or children"). Because this Court lacks jurisdiction, this matter must be dismissed pursuant to Rule 12(b)(1), SCRCP.

2. Plaintiff fails to state facts sufficient to constitute a cause of action against Defendant, and therefore, the Complaint must be dismissed pursuant to Rule 12(b)(6), SCRCPP.

3. Defendants were not properly served with the Summons and Complaint in accordance with the requirements of Rule 4(d), SCRCPP. Therefore, this matter must be dismissed pursuant to Rule 12(b)(5), SCRCPP.

4. Defendants are immune from suit pursuant to the South Carolina Tort Claims Act, § 15-78-10, *et. seq.*, specifically S.C. Code Ann § 15-78-60(1), (2), (3), (4), (20), and (23).

This Motion is based upon the matters on file with the Court, the pleadings, affidavits and/or memoranda of law that may be submitted, and any other evidence properly accepted by the Court at the time of the hearing.

Respectfully submitted,

CROWE LAFAVE GARFIELD & BAGLEY

BY: s/Steven R. Spreeuwiers
Steven R. Spreeuwiers, SC Bar # 101373
2019 Park Street
Columbia, South Carolina 29202
T: (803) 724-5729
steve@crowelafave.com

Counsel for Defendant

Columbia, South Carolina

March 16, 2023



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

BENJAMIN-MACON: BELL JR.,	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 3:23-06051-MGL
	§	
SOUTH CAROLINA DEPARTMENT OF	§	
SOCIAL SERVICES and ANISHA LUDLEY,	§	
Defendants.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND SUMMARILY DISMISSING THIS CASE WITHOUT PREJUDICE
AND WITHOUT ISSUANCE AND SERVICE OF PROCESS**

Plaintiff Benjamin-Macon Bell, Jr. (Bell) filed this action against Defendants South Carolina Department of Social Services and Anisha Ludley. He is representing himself.

This matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge recommending the Court summarily dismiss this case without prejudice and without issuance and service of process. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report 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. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on December 18, 2023. To date, Bell has failed to file any 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, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845–46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case under the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court this case is summarily **DISMISSED WITHOUT PREJUDICE** and without issuance and service of process.

IT IS SO ORDERED.

Signed this 17th day of January 2024, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Benjamin-Macon: Bell
(beneficiary)
BENJAMIN MACON BELL JR

Plaintiff,

vs

SOUTH CAROLINA DEPARTMENT
OF SOCIAL SERVICES-CHILD SUPPORT
SERVICES DIVISION,

Defendant.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NUMBER: **2023CP400**0262

SUMMONS

TO THE ABOVE-NAMED DEFENDANT

A lawsuit has been filed against you. Within 30 days after service of this Summons on you (not counting the day you received it), you must serve on the Plaintiff an Answer to the attached Complaint or a Motion under Rule 12 of the South Carolina Rules of Civil Procedure. The Answer or Motion must be served to the Plaintiff listed below, and the address shown below. If you fail to do so, judgement by default will be entered against you for the relief demanded in the Complaint. You must file your Answer or Motion with the court.

Benjamin-Macon: Bell
Benjamin-Macon: Bell
c/o 141 Railbrook Rd
Hopkins, SC (29061)
(803) 477-4380
Claimant at Law

Columbia, South Carolina
January 8, 2023

RICHLAND COUNTY
FILED
2023 JAN 18 PM 1:59
CLERK OF COURT
COURT HOUSE
COLUMBIA, S.C.

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Benjamin-Macon: Bell
(beneficiary)
BENJAMIN MACON BELL JR

Plaintiff,

vs

SOUTH CAROLINA DEPARTMENT
OF SOCIAL SERVICES-CHILD SUPPORT
SERVICES DIVISION,

Defendant

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NUMBER:

2023CP4000262

COMPLAINT

RICHLAND COUNTY
FILED
2023 JAN 18 PM 1:59
CLERK OF COURT
C.C.P., G.S., & P.C.

Plaintiff, sui juris in propria persona in special appearance never generally or voluntarily, hereby bring this action against the Defendant based on the allegations set forth below.

PARTIES

1. Plaintiff is a natural born human being, beneficiary and authorized representative of BENJAMIN MACON BELL JR., resident of Richland County, South Carolina at all times mentioned herein.
2. Upon information and belief, the Defendant, SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES-CHILD SUPPORT SERVICES DIVISION, is a DOMESTIC CORPORATION in its principal place of business in residing in Richland County, South Carolina at all times mentioned herein.

JURISDICTION & VENUE

3. This Court has subject-matter jurisdiction over the claims in this lawsuit and has personal jurisdiction over the Defendant.
4. Venue is proper in this county under South Carolina Code 15-7-30.

18 U.S. Code § 2382, Misprision of Treason.....

28 U.S. Code § 455, Disqualification of justice, judge or magistrate judge

31 U.S. Code § 3729(a)(1)(A)(B)(E), False claims.

42 U.S. Code § 658, Title IV-D, Section 458, Social Security Act, Incentive payments to states.

9. As a direct result of Fraud, fraud upon the court, larceny by trick extortion, aggravated identity theft, and suspension of driver's license without due process, Plaintiff Benjamin-Macon: Bell is under duress, has become impecunious, missed veterans appointments, annoyance, inconvenience, amongst other things mentioned in the fee basis notarized.

WHEREFORE, Plaintiff requests a trial to see all causes of action properly triable; that judgement be entered against Defendant and that Plaintiffs be awarded: actual damages and punitive damages; in the amount of actual and punitive damages to be determined by the trier of fact; the costs of this action; and such other and further relief as the Court may deem proper.

Benjamin - Macon: Bell

Benjamin-Macon: Bell

(beneficiary)

BENJAMIN MACON BELL JR

shipmate1997@gmail.com

c/o 141 Railbrook Road

Hopkins, SC (29061) r/f

Telephone: (803)477-4380

Claimant at Law and Plaintiff

Sui juris in propria persona

Richland County Common Pleas

Clerk : Jeanette W. McBride
Richland County Judicial Center
Columbia, SC 29201
(803) 576-1999

Received From: Bell, Benjamin Macon

Date: 1/18/2023

Receipt #: 317042

Clerk: c40rmoorma

Paying for: Self

Transaction Type: Payment

Reference #:

Payment Type: Cash \$150.00

Comment:

Total Paid: \$150.00

Non-Refundable

<u>Case #</u>	<u>Caption</u>	<u>Previous Balance</u>	<u>Amount Paid</u>	<u>Balance Due</u>
2023CP4000262	Benjamin Macon Bell vs South Carolina Department Of Of Social Services	\$150.00	\$150.00	\$0.00
Total Cases: 1		\$150.00	\$150.00	\$0.00

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Benjamin-Macon & Bell

Plaintiff(s)

vs.

SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES - CUSD

Defendant(s)

Submitted By: Benjamin-Macon & Bell

Address: 410 14th Railroad Rd Hopkins SC (29061)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2023^{CP}4000262

SC Bar #:

Telephone #: 8034774380

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
- ☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is exempt from ADR. (Certificate Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|--|---|
| Contracts
<input type="checkbox"/> Constructions (100)
<input type="checkbox"/> Debt Collection (110)
<input type="checkbox"/> General (130)
<input type="checkbox"/> Breach of Contract (140)
<input checked="" type="checkbox"/> Fraud/Bad Faith (150)
<input type="checkbox"/> Failure to Deliver/
Warranty (160)
<input type="checkbox"/> Employment Discrim (170)
<input type="checkbox"/> Employment (180)
<input type="checkbox"/> Other (199)
Inmate Petitions
<input type="checkbox"/> PCR (500)
<input type="checkbox"/> Mandamus (520)
<input type="checkbox"/> Habeas Corpus (530)
<input type="checkbox"/> Other (599) | Torts - Professional Malpractice
<input type="checkbox"/> Dental Malpractice (200)
<input type="checkbox"/> Legal Malpractice (210)
<input type="checkbox"/> Medical Malpractice (220)
Previous Notice of Intent Case #
<u>20-NI-</u>
<input type="checkbox"/> Notice/ File Med Mal (230)
<input type="checkbox"/> Other (299)
Administrative Law/Relief
<input type="checkbox"/> Reinstate Drv. License (800)
<input type="checkbox"/> Judicial Review (810)
<input type="checkbox"/> Relief (820)
<input type="checkbox"/> Permanent Injunction (830)
<input type="checkbox"/> Forfeiture-Petition (840)
<input type="checkbox"/> Forfeiture-Consent Order (850)
<input type="checkbox"/> Other (899) | Torts - Personal Injury
<input type="checkbox"/> Conversion (310)
<input type="checkbox"/> Motor Vehicle Accident (320)
<input type="checkbox"/> Premises Liability (330)
<input type="checkbox"/> Products Liability (340)
<input type="checkbox"/> Personal Injury (350)
<input type="checkbox"/> Wrongful Death (360)
<input type="checkbox"/> Assault/Battery (370)
<input type="checkbox"/> Slander/Libel (380)
<input type="checkbox"/> Other (399)
Judgments/Settlements
<input type="checkbox"/> Death Settlement (700)
<input type="checkbox"/> Foreign Judgment (710)
<input type="checkbox"/> Magistrate's Judgment (720)
<input type="checkbox"/> Minor Settlement (730)
<input type="checkbox"/> Transcript Judgment (740)
<input type="checkbox"/> Lis Pendens (750)
<input type="checkbox"/> Transfer of Structured
Settlement Payment Rights
Application (760)
<input type="checkbox"/> Confession of Judgment (770)
<input type="checkbox"/> Petition for Workers
Compensation Settlement
Approval (780)
<input type="checkbox"/> Incapacitated Adult
Settlement (790)
<input type="checkbox"/> Other (799) | Real Property
<input type="checkbox"/> Claim & Delivery (400)
<input type="checkbox"/> Condemnation (410)
<input type="checkbox"/> Foreclosure (420)
<input type="checkbox"/> Mechanic's Lien (430)
<input type="checkbox"/> Partition (440)
<input type="checkbox"/> Possession (450)
<input type="checkbox"/> Building Code Violation (460)
<input type="checkbox"/> Other (499)
Appeals
<input type="checkbox"/> Arbitration (900)
<input type="checkbox"/> Magistrate-Civil (910)
<input type="checkbox"/> Magistrate-Criminal (920)
<input type="checkbox"/> Municipal (930)
<input type="checkbox"/> Probate Court (940)
<input type="checkbox"/> SCDOT (950)
<input type="checkbox"/> Worker's Comp (960)
<input type="checkbox"/> Zoning Board (970)
<input type="checkbox"/> Public Service Comm. (990)
<input type="checkbox"/> Employment Security Comm (991)
<input type="checkbox"/> Other (999) |
|--|--|--|---|
- Special/Complex /Other**
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699)
☐ Sexual Predator (510)
☐ Permanent Restraining Order (680)
☐ Interpleader (690)
- ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an
Out-of-County Action (660)
☐ Pre-Suit Discovery (670)

Submitting Party Signature:

Benjamin-Macon & Bell

Date: 08 JANUARY 2023

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Benjamin-Macon: Bell
(beneficiary)
BENJAMIN MACON BELL JR

Plaintiff,

vs

SOUTH CAROLINA DEPARTMENT
OF SOCIAL SERVICES-CHILD SUPPORT
SERVICES DIVISION,

Defendant.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NUMBER: **2023CP400** 0262

SUMMONS

RICHLAND COUNTY
FILED
2023 JAN 18 PM 1:59
CLERK OF COURT
C.C.P., G.S., & F.C.

TO THE ABOVE-NAMED DEFENDANT

A lawsuit has been filed against you. Within 30 days after service of this Summons on you (not counting the day you received it), you must serve on the Plaintiff an Answer to the attached Complaint or a Motion under Rule 12 of the South Carolina Rules of Civil Procedure. The Answer or Motion must be served to the Plaintiff listed below, and the address shown below. If you fail to do so, judgement by default will be entered against you for the relief demanded in the Complaint. You must file your Answer or Motion with the court.

Benjamin-Macon: Bell

Benjamin-Macon: Bell
c/o 141 Railbrook Rd
Hopkins, SC (29061)
(803) 477-4380
Claimant at Law

Columbia, South Carolina
January 8, 2023

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Benjamin-Macon: Bell
(beneficiary)
BENJAMIN MACON BELL JR

Plaintiff,

vs

SOUTH CAROLINA DEPARTMENT
OF SOCIAL SERVICES-CHILD SUPPORT
SERVICES DIVISION,

Defendant

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NUMBER: **2023CP4000262**

COMPLAINT

RICHLAND COUNTY
FILED
2023 JAN 18 PM 1:59
CLERK OF COURT
C.C.P., G.S., & F.C.

Plaintiff, sui juris in propria persona in special appearance never generally or voluntarily, hereby bring this action against the Defendant based on the allegations set forth below.

PARTIES

1. Plaintiff is a natural born human being, beneficiary and authorized representative of BENJAMIN MACON BELL JR., resident of Richland County, South Carolina at all times mentioned herein.
2. Upon information and belief, the Defendant, SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES-CHILD SUPPORT SERVICES DIVISION, is a DOMESTIC CORPORATION in its principal place of business in residing in Richland County, South Carolina at all times mentioned herein.

JURISDICTION & VENUE

3. This Court has subject-matter jurisdiction over the claims in this lawsuit and has personal jurisdiction over the Defendant.
4. Venue is proper in this county under South Carolina Code 15-7-30.

18 U.S. Code § 2382, Misprision of Treason.....

28 U.S. Code § 455, Disqualification of justice, judge or magistrate judge

31 U.S. Code § 3729(a)(1)(A)(B)(E), False claims.

42 U.S. Code § 658, Title IV-D, Section 458, Social Security Act, Incentive payments to states.

9. As a direct result of Fraud, fraud upon the court, larceny by trick extortion, aggravated identity theft, and suspension of driver's license without due process, Plaintiff Benjamin-Macon: Bell is under duress, has become impecunious, missed veterans appointments, annoyance, inconvenience, amongst other things mentioned in the fee basis notarized.

WHEREFORE, Plaintiff requests a trial to see all causes of action properly triable; that judgement be entered against Defendant and that Plaintiffs be awarded: actual damages and punitive damages; in the amount of actual and punitive damages to be determined by the trier of fact; the costs of this action; and such other and further relief as the Court may deem proper.

Benjamin-Macon: Bell

Benjamin-Macon: Bell

(beneficiary)

BENJAMIN MACON BELL JR

shipmate1997@gmail.com

c/o 141 Railbrook Road

Hopkins, SC (29061) r/f

Telephone: (803)477-4380

Claimant at Law and Plaintiff

Sui juris in propria persona

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Richland
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2023CP4000262

Benjamin Macon Bell et al
PLAINTIFF(S)

South Carolina Department Of Social Services CSSD
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);
☐ Other
- ☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

At the motions hearing in this matter both parties were heard. Each side was allowed to address the motions. Each side offered succinct responses and their position. After consideration, I rule the motion to dismiss is granted because this court does not have jurisdiction to address child support rulings, etc.; the complaint fails under SCRPC 12b6 to constitute a cause of action; service of process was defective; and, Defendant is immune from suit under the SCTCA as provided by statute. Your civility was appreciated.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 10/25/2023 .

Benjamin Macon Bell Jr.
Benjamin Macon Bell for Benjamin Macon Bell
Benjamin Macon Bell for Benjamin Macon Bell

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Richland Common Pleas

Case Caption: Benjamin Macon Bell , plaintiff, et al vs South Carolina Department
Of Of Social Services CSSD
Case Number: 2023CP4000262
Type: Order/Electronic Form 4

So Ordered

S/George M. McFaddin, Jr., #2759

FEB 13 2023

STATE OF SOUTH CAROLINA,)

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND)

Benjamin-Macon: Bell)

5TH JUDICIAL CIRCUIT

Plaintiff(s))

vs.)

AFFIDAVIT OF SERVICE

SOUTH CAROLINA DEPARTMENT
OF SOCIAL SERVICES CHILD
SUPPORT DIVISION)

FILE NO: 2023CP4000262

Defendant(s).)

PERSONALLY PREPARED BEFORE ME, the undersigned deponent, who being duly sworn

says that (s)he served the CIVIL ACTION SUMMONS AND COMPLAINT in this action
(Describe document(s) served)

on RICHLAND COUNTY DEPARTMENT OF SOCIAL SERVICES CHILD
SUPPORT DIVISION, by delivery to
(Name of party served)

☐ RICHLAND COUNTY DEPARTMENT OF SOCIAL SERVICES
CHILD SUPPORT DIVISION personally;
(Name of party served)

☐ _____ the _____ of the party served,
(Name of person served) (Note relationship to party)

and a person of discretion residing at the residence of the party served;

☒ Jennifer Clinkscale the Attorney of SCDSS
(Name of person served) (Title) (Name of corporate party served)

and leaving with ☐ (him) ☒ (her) a copy at 3220 TWO NOTCH ROAD 3150 Harden St
(Street address)

in COLUMBIA Richland County, South Carolina,
(City or Town) County

on February 14, 2023 at 9:00* o'clock

that deponent knows the person so served, and that deponent is not a party of this action, is not less than eighteen (18) years of age and has no interest therein or connection therewith.

☐ Unable to locate and serve the above process on the defendant after diligent efforts to do so.

The process is returned unexecuted.

Sworn to and Subscribed before me
this 14 day of February, 2023)

Kenneth Coleman)
Notary Public for South Carolina)

My Commission expires July 15, 2024)
Notary Public, South Carolina)

N. Aquino
Signature of Deponent S2289

SCCA/748 (Amended 05/2008)

FEB 10 2023
01074

2.13.23/10:02a Child support not located
at 3220 Two Notch, advised to
go to 2638 Two Notch

2.13.23/10:10a Child support not located
at 2638 Two Notch advised
Child support division is located
at 3150 Harden St

Entered in the Sheriff's Service Book on

Book _____

Page _____

Number _____

RECEIVED

2023 FEB 10 PM 12:30

RCSD

**RICHLAND COUNTY SHERIFF'S DEPARTMENT
CIVIL PROCESS DIVISION
SERVICE REQUEST INFORMATION SHEET**

You are requested to provide, to the best of your ability as much information as possible. It is understood that all information may not be available to you. However, the more information you provide will assist us in the service of your papers. If the address you provide is an apartment complex please include the building and apartment number and if it's a gated community the (Gate code).

The Richland County Sheriff's Department can't provide any legal advice and does not do any research in locating the person you are trying to serve. If you have more than one address you wish us to attempt a service fee will be required for each address requested. We will make 4-5 attempts to serve your paper but if no contact is made we will return paper non-served.

Once your paper is logged in it will be assigned to a Deputy Sheriff who will attempt to complete service. Within 10 days (excluding weekends and holidays). It may take longer depending on the current volume of papers and any special instructions you have listed.

INFORMATION ON PERSON TO BE SERVED

NAME RICHLAND COUNTY DEPARTMENT OF SOCIAL SERVICES CHILD SUPPORT DIVISION

ADDRESS 3220 TWO NOTCH ROAD

CITY, STATE, ZIP COLUMBIA, SC, 29204

NICKNAME/ALIAS _____ SEX _____ RACE _____ HEIGHT _____ WEIGHT _____ EYE _____ HAIR _____

VEHICLE INFO. _____

Suggested time to serve papers 10 FEBRUARY 2023

PHONE NUMBER (_____) _____ - _____

Comments/Additional Information _____

**RETURN INFORMATION – REQUIRED
(This is who the Proof of Service will be returned to)**

NAME Benjamin-Macon: Bell

ADDRESS ^{aka} 141 Railbrook Rd

CITY, STATE, ZIP Hopkins, SC, 29061 410

PHONE NUMBER (803) 477 - 4380



LEON L. LOTT, JR.
Sheriff

Richland County Sheriff's Department

Benjamin-Macon Bell
141 Railbrook Rd
Hopkins, SC 29061

February 15, 2023

Re: SCDSS

Dear Sir/Madam:

On 2/10/2023, this department received a civil paper from your office. Please find the enclosed Affidavit of Service/Non Service for the above reference case.

I am pleased to be of service and if my Department can assist you in the future, please call upon my Civil Process Division at (803) 576-3151.

Sincerely,

A handwritten signature in black ink, appearing to read "Leon Lott".

Leon Lott
Richland County Sheriff