

---

No. 24-7298

---

**IN THE  
SUPREME COURT OF THE UNITED STATES**

---

THURMOND R. GUESS, SR.,

Petitioner,

v.

LEONARDO BROWN, AS RICHLAND COUNTY ADMINISTRATOR; *ET AL.*,

Respondents.

---

ON PETITION FOR WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**BRIEF IN OPPOSITION TO  
PETITION FOR WRIT OF CERTIORARI**

---

Andrew F. Lindemann  
*Counsel of Record*  
LINDEMANN LAW FIRM, P.A.  
5 Calendar Court, Suite 202  
Post Office Box 6923  
Columbia, South Carolina 29260  
(803) 881-8920  
Email: andrew@ldlawsc.com

*Counsel of Record for Respondents*  
*Leonardo Brown and Richland County*  
*Counsel*

## **TABLE OF CONTENTS**

Table of Authorities .....	ii
Statement of the Case .....	1
Reasons for Denying The Petition.....	2
Conclusion .....	3

## **TABLE OF AUTHORITIES**

### **Cases**

<i>Guess v. Brown</i> , 2024 WL 4850791 (4th Cir. 2024).....	2
<i>Neitzke v. Williams</i> , 490 U.S. 319 (1989) .....	1

### **Statutes**

28 U.S.C. § 1915(e).....	1, 2
28 U.S.C. § 1915(e)(2)(B) .....	1
42 U.S.C. § 1983.....	1

## **STATEMENT OF THE CASE**

The Petitioner Thurmond Guess, Sr., proceeding *pro se*, brought this action allegedly pursuant to 42 U.S.C. § 1983 against the Respondents Leonardo Brown and Richland County Council, among other defendants. The Petitioner alleges that an illegal and false “Easement and Right-of-Way Deed” was issued in favor of Richland County more than thirty years ago in March 1991. He claims that the easement is fraudulent because his father was deceased when the easement was purportedly executed. He claims that Brown and Richland County have refused to return the easement rights to him. The Petitioner sued for money damages only. He purports to allege claims pursuant to the Fourteenth Amendment.

The district court adjudicated the case without issuance of process pursuant to its authority under 28 U.S.C. § 1915(e). The district court determined that the Petitioner’s claims were legally frivolous and thus could be dismissed *sua sponte* under 28 U.S.C. § 1915(e)(2)(B). *See, Neitzke v. Williams*, 490 U.S. 319, 327 (1989). Ultimately, in its order filed June 4, 2024, the district court dismissed the claims on the following bases:

Defendants other than Brown are not state actors, and he fails to state a claim against Brown under § 1983. Claims under *Monell* are restricted to municipalities and not a single actor, and Plaintiff does not state a policy or custom at play here nor impact on anyone other than him. There are no separate claims made against Richland County Council, and if his intention was to allege a *Monell* claim against the Council, he does not identify a policy or custom that impacted him.

(ECF #21, p. 3). The district court also noted that the current action was duplicative of two other cases brought by the Petitioner and which were summarily dismissed for failure to state a viable federal claim. (ECF #21, p. 2).

The Petitioner appealed to the Fourth Circuit Court of Appeals which affirmed the district court by an unpublished opinion entered November 24, 2024. *Guess v. Brown*, 2024 WL 4850791, \*1 (4th Cir. 2024) (“We have reviewed the record and find no reversible error”).

### **REASONS FOR DENYING THE PETITION**

In his Petition for Writ of Certiorari, the Petitioner fails to set forth any valid basis for review by this Court. The Petitioner merely states in a conclusory manner that his claims against the Respondents were improperly dismissed. Notably, he fails to challenge or address each of the various bases for the dismissal by the district court. He simply alleges that the summary dismissal by the district court denied his Seventh Amendment right to a jury trial. He further objects to the application of 28 U.S.C. § 1915(e) and the refusal of the district court to direct the issuance of process and an answer to be filed by the Respondents.

In short, there is no basis for the issuance of a writ of certiorari. The Petitioner has not shown that his petition raises any issues of substantial importance or conflict among the circuits or the state courts. The issues raised do not warrant any further review.

## **CONCLUSION**

For the foregoing reasons, the Respondents Leonardo Brown and Richland County submit that the Petition for Writ of Certiorari should be denied.

Respectfully submitted,

Andrew F. Lindemann  
*Counsel of Record*  
LINDEMANN LAW FIRM, P.A.  
5 Calendar Court, Suite 202  
Post Office Box 6923  
Columbia, South Carolina 29260  
(803) 881-8920  
Email: andrew@ldlawsc.com

*Counsel for Respondents Leonardo Brown  
and Richland County*

June 27, 2025