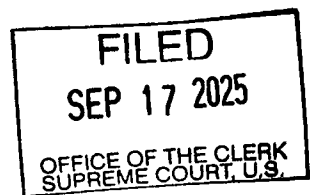


25-330



No. 25-

IN THE
Supreme Court of the United States

ORIGINAL

EUGENE DINGLE,

Petitioner,

v.

JAMES G. MCGEE, WILLIAM J. WYLIE, JR.,
TIMOTHY H. POGUE, MICHAEL H. MURPHY, III,
ANNE G. JONES, MANDY W. KIMMONS, JUDGES OF
DORCHESTER COUNTY FAMILY COURT,

AND

LESLIE ARMSTRONG, GUARDIAN AD LITEM,

Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

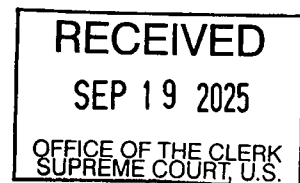
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QUESTIONS PRESENTED

1. Whether a state judge who acts in the *clear absence of subject-matter jurisdiction* may nonetheless invoke absolute judicial immunity to bar a 42 U.S.C. § 1983 suit—an issue on which the circuits are openly divided and in tension with this Court’s precedents in *Bradley v. Fisher*, *Stump v. Sparkman*, and *Mireles v. Waco*).
2. Whether the *warrantless jailing of a parent for nonpayment of private Guardian ad Litem fees*—without meaningful notice, a hearing, or inquiry into ability to pay—violates the Fourth and Fourteenth Amendments, contrary to this Court’s decisions in *Turner v. Rogers* and *Bearden v. Georgia*.

LIST OF PARTIES

Petitioner:

Eugene Dingle

Respondents:

- Judge James G. McGee, Dorchester County Family Court
- Judge William J. Wylie, Jr., Dorchester County Family Court
- Judge Timothy H. Pogue, Dorchester County Family Court
- Judge Michael H. Murphy, III, Dorchester County Family Court
- Judge Anne G. Jones, Dorchester County Family Court
- Judge Mandy W. Kimmons, Dorchester County Family Court
- Leslie Armstrong, Guardian ad Litem

Additional Parties Served:

- South Carolina Attorney General

STATEMENT OF RELATED CASES

Pursuant to Supreme Court Rule 14.1(b)(iii), the following proceedings are directly related to this case:

1. **Dingle v. McGee, et al.**, No. 2:23cv05333BHH

United States District Court for the District
of South Carolina Judgment entered **January
15, 2025**

2. **Dingle v. McGee, et al.**, No. 251133

United States Court of Appeals for the Fourth
Circuit Judgment entered **May 28, 2025**;
rehearing and rehearing en banc denied
June 24, 2025; mandate issued **July 2, 2025**

There are no other related cases currently pending in this Court or any other court.

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PETITION FOR WRIT OF CERTIORARI

Petitioner Eugene Dingle respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fourth Circuit.

OPINIONS BELOW

The court of appeals' unpublished judgment is reproduced in Appendix A. The order denying rehearing and rehearing en banc appears in Appendix B. The district court's judgment and order adopting the magistrate judge's recommendation are in Appendices C-D.

JURISDICTION

The court of appeals entered judgment on **May 28, 2025**. It denied rehearing and rehearing en banc on **June 24, 2025**, and issued the mandate on **July 2, 2025**. This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amend. IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

U.S. Const. amend. XIV, § 1

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

42 U.S.C. § 1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State . . . subjects, or causes to be subjected, any citizen of the United States . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured.

28 U.S.C. § 1254(1)

Cases in the courts of appeals may be reviewed by the Supreme Court by writ of certiorari granted upon the petition of any party to the case.

INTRODUCTION

This petition presents two questions of exceptional national importance.

First, whether judges may invoke absolute judicial immunity when acting in the clear absence of subject-matter jurisdiction. This Court has long recognized that

immunity has limits. *Bradley v. Fisher*, 80 U.S. (13 Wall.) 335, 351–52 (1872); *Stump v. Sparkman*, 435 U.S. 349, 356–57 (1978); *Mireles v. Waco*, 502 U.S. 9, 11–12 (1991). Yet lower courts remain divided, producing radically different outcomes for litigants raising identical claims.

Second, whether a state may jail a parent for failing to pay private Guardian ad Litem fees without a warrant, meaningful notice, or an inquiry into ability to pay. This Court in *Turner v. Rogers*, 564 U.S. 431 (2011), and *Bearden v. Georgia*, 461 U.S. 660 (1983), held that due process forbids incarceration without such safeguards. Yet family courts—including those in South Carolina, the very state where *Turner* arose—continue to disregard those requirements.

Petitioner was arrested at his workplace without a warrant, transported across county lines, and confined for **more than thirteen days** solely for alleged nonpayment of GAL fees. No hearing afforded him a genuine opportunity to show inability to pay. Federal courts dismissed his civil-rights claims on immunity grounds, leaving these constitutional questions unresolved.

This case is an ideal vehicle to clarify both the constitutional limits on judicial immunity and the due-process protections required before liberty is taken.

STATEMENT OF THE CASE

This case arises from South Carolina family-court proceedings in which Petitioner was jailed without a warrant, without meaningful hearings, and by judges acting outside the scope of subject-matter jurisdiction. It

presents recurring constitutional questions about judicial immunity and the safeguards required before liberty may be taken.

1. Family-Court Proceedings

In Dorchester County Family Court, multiple judges:

- Compelled Petitioner to pay private Guardian ad Litem (“GAL”) fees that exceeded statutory limits and lacked any enforceable fee agreement;
- Imposed child-support obligations without conducting a separate evidentiary hearing or providing meaningful notice; and
- Ordered incarceration for alleged nonpayment without valid warrants, without findings of willful disobedience, and without any inquiry into Petitioner’s ability to pay.

May 17, 2023: Greenville County officers arrested Petitioner at his workplace without a warrant. He was transported across county lines to Dorchester County and confined for **more than thirteen days**. Days later, a virtual hearing offered no genuine opportunity to present financial evidence or contest the basis for confinement.

South Carolina law confines contempt powers to specified processes and requires warrants supported by affidavit. See, e.g., S.C. Code § 63-17-410; S.C. Fam. Ct. R. 14. By proceeding without jurisdiction and without valid process, the family-court judges acted wholly outside the authority conferred by state law.

2. Federal-Court Proceedings

On February 5, 2024, Petitioner filed a civil-rights action under 42 U.S.C. § 1983 in the United States District Court for the District of South Carolina. The complaint alleged that:

- The judges acted in the clear absence of jurisdiction;
- The arrests and detentions violated the Fourth and Fourteenth Amendments; and
- Absolute judicial immunity does not extend to unconstitutional acts performed without jurisdiction.

On January 15, 2025, the district court dismissed the case, holding that all judges were immune and that no federal remedy existed. The Fourth Circuit summarily affirmed on May 28, 2025, denied rehearing en banc on June 24, 2025, and issued its mandate on July 2, 2025.

3. National Significance

The federal courts' refusal to address these claims leaves systemic violations unremedied. If judges may invoke immunity even when acting without jurisdiction, constitutional limits become illusory. And if parents may be jailed for debts—often private fees—without warrants or hearings that test ability to pay, liberty is left to arbitrary power.

These issues are not confined to one litigant or one state. Empirical studies confirm that, more than a

decade after this Court's decision in *Turner v. Rogers*, family courts continue to jail parents without indigence inquiries or adequate notice. See Elizabeth G. Patterson, *A Study of How Turner v. Rogers Affected Child Support Proceedings in South Carolina* (2017). The problem is national, recurring, and urgent.

This case is therefore a clean vehicle to clarify the limits of judicial immunity and to reaffirm the due-process protections this Court has said are indispensable before liberty may be taken.

REASONS FOR GRANTING THE PETITION

This case warrants review under Supreme Court Rule 10(a) and (c). The decision below deepens an acknowledged conflict among the courts of appeals, disregards controlling precedent of this Court, and leaves unresolved recurring constitutional violations that affect parents nationwide.

I. Entrenched conflict over the “clear absence of jurisdiction” exception.

This Court has long recognized that judicial immunity is not absolute: a judge is not immune when acting in the clear absence of jurisdiction. *Bradley v. Fisher*, 80 U.S. (13 Wall.) 335, 351–52 (1872); *Stump v. Sparkman*, 435 U.S. 349, 356–57 (1978); *Mireles v. Waco*, 502 U.S. 9, 11–12 (1991). But lower courts are sharply divided on how that exception applies.

Some circuits apply a narrow test, shielding judges so long as the case was before them in any posture. Others adopt a broader standard, holding judges accountable

when they act in proceedings plainly beyond their statutory or constitutional power. The result is entrenched conflict: in some jurisdictions, litigants may obtain relief for jurisdictional overreach, while in others, the same claim is barred by immunity.

This Court's guidance is urgently needed to restore uniformity and ensure that judicial immunity remains a shield for lawful decision making, not a license to act without jurisdiction.

II. This case presents recurring due-process violations in civil-contempt incarceration.

In *Turner v. Rogers*, 564 U.S. 431 (2011), and *Bearden v. Georgia*, 461 U.S. 660 (1983), this Court held that incarceration for nonpayment requires meaningful notice, inquiry into ability to pay, and basic procedural safeguards. Yet more than a decade after *Turner*—and in the very state where *Turner* arose—family courts continue to jail parents without those protections.

Here, Petitioner was arrested without a warrant, transported across county lines, and confined for **more than thirteen days** for alleged nonpayment of private Guardian ad Litem fees. He was never afforded a genuine opportunity to present evidence of indigence.

The persistence of these violations demonstrates that the constitutional command of *Turner* and *Bearden* has not been absorbed by the lower courts. Review is essential to enforce due process and prevent further unlawful deprivations of liberty.

III. This case is an appropriate vehicle.

This petition presents a clean record and a straightforward opportunity to resolve the questions presented. The dispositive issue below was absolute judicial immunity. The lower courts did not dismiss on standing, mootness, exhaustion, or any other threshold ground. No alternative holdings cloud the record.

The facts are undisputed. Petitioner was arrested without a warrant, transported across county lines, and **confined for more than thirteen days** for alleged nonpayment of private Guardian ad Litem fees. He was never afforded a meaningful opportunity to demonstrate indigence. The federal courts dismissed his civil-rights claims solely on immunity grounds.

Because the case turns entirely on the scope of judicial immunity and the constitutionality of civil-contempt incarceration without due process, it provides an ideal vehicle for this Court's review. Deciding those questions here would not require disentangling complex factual disputes or addressing procedural defaults. It would squarely resolve entrenched circuit conflict and recurring constitutional violations.

IV. This case implicates principles at the core of this Court's jurisprudence

At stake are two of the Constitution's most fundamental guarantees: that liberty cannot be taken without due process of law, and that no officer—judicial or otherwise—may act beyond the limits of jurisdiction. This Court has repeatedly emphasized that the rule of law depends on

both. *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803).

When state courts jail citizens without warrants, without inquiry into ability to pay, and for private debts owed to court-appointed officers, they erode due process and public confidence alike. When federal courts bar redress by invoking boundless judicial immunity, they deny any forum for vindicating constitutional rights.

This case presents an opportunity to reaffirm that the Constitution's guarantees are not theoretical. They apply in family courts as in all courts. Only this Court can restore uniformity and ensure that liberty is not taken in America without jurisdiction or due process.

CONCLUSION

This case cleanly presents recurring constitutional violations and an entrenched conflict over the limits of judicial immunity. Petitioner was **confined for more than thirteen days** without a warrant, without inquiry into ability to pay, and solely for alleged nonpayment of private Guardian ad Litem fees. The lower courts dismissed his claims only on immunity grounds, leaving no forum to vindicate his constitutional rights.

The questions presented are fundamental: whether judges may act with impunity in the clear absence of jurisdiction, and whether liberty may be taken without the safeguards this Court has long required. Both issues are of urgent and recurring national importance.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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September 17, 2025