

No.

25A336

Supreme Court, U.S.
FILED

SEP 17 2025

OFFICE OF THE CLERK

In the Supreme Court of the United States

CRISELDA REYES and EMMANUEL REYES,
Applicants (Pro Se),

v.

DORCHESTER COUNTY of SOUTH CAROLINA,
JOHN FRAMPTON, JASON WARD, MICHAEL GOLDSTON, AS
INDIVIDUAL AND IN OFFICIAL CAPACITIES AS DORCHESTER
COUNTY ADMINISTRATION OFFICIALS,
Respondents.

Emergency Application for Stay and Injunction Pending Appeal

Pursuant to Supreme Court Rule 23 and the All Writs Act, 28 U.S.C. § 1651(a)

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Pro Se Applicants

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SUPREME COURT, U.S.

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IN THE SUPREME COURT OF THE UNITED STATES

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Introduction

Applicant respectfully submits this Emergency Application pursuant to Supreme Court Rule 23 and the All-Writs Act, 28 U.S.C. § 1651(a). This Court has authority to issue writs “necessary or appropriate in aid of [its] jurisdiction.” Absent immediate relief, Dorchester County’s egregious fraud upon the court, unlawful annexation, retaliatory fines, and racial discrimination will cause irreparable harm and render appellate review meaningless.

Questions Presented

1. Whether Dorchester County’s occupation of ≈66% of Lot 10 without condemnation or compensation is a per se taking under *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982).
2. Whether depriving Plaintiffs of beneficial use while taxing 100% of Lot 10 is a categorical taking under *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992).
3. Whether Dorchester County of South Carolina’s concealment of federal permits, ghostwritten affidavits, spoliated video evidence, fabricated maps, and obstruction constitutes egregious fraud upon the court under *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944).

4. Whether the refusal of the Fourth Circuit and USDC-Charleston to correct these wrongs amounts to judicial tolerance of fraud, contrary to *Stop the Beach Renourishment v. Fla. DEP*, 560 U.S. 702 (2010).

Procedural History

- February 2021: Plaintiff filed suit in the USDC-Charleston (under section 1983 for deprivation of rights).
- March 2021: Dorchester County, in collusion with SCDES (formerly DHEC), issued a retaliatory NOV imposing \$1,000/day fines.
- USDC-Charleston Order (Appendix C): Denied emergency relief (TRO/PI), allowed fines to accumulate despite clear fraud.
- Fourth Circuit Order (Appendix D): Declined to intervene (Unpublished).

Applicants have exhausted remedies below. Rule 23 and the All-Writs Act provide the only vehicle to preserve this Court's jurisdiction and halt irreparable harm.

Statement of the Case and Facts

This case arises from Dorchester County's egregious, deliberate, and systemic annexation of ≈66% of Lot 10, Hillside Farms Subdivision, without condemnation or just compensation. Over two decades, Dorchester fabricated easements, concealed federal permit requirements, spoliated evidence, and retaliated against an AAPI family with discriminatory taxation — all to convert Lot 10 into the gateway node for Pump Station #4, later monetized into a \$10 Million SCIIP grant.

- 2004 – USACE Permit (Ex. 11): The U.S. Army Corps of Engineers permit required subdivision stormwater to be routed between Lots 7 and 8 into wetlands, not onto Lot 10. This was the baseline federal condition for Hillside Farms' approval.
- 2005 – SC Attorney General Opinion (Ex. 11): The South Carolina Attorney General, under then-AG Henry McMaster, issued a formal opinion confirming counties must condemn or compensate when

occupying private property for public use. Dorchester ignored this requirement.

- 2005 – Final C-1 Plat (Ex. 18): In May 2005, Dorchester County Planning Commission approved and recorded the Final C-1 Plat for Hillside Farms (Plat Book K-151, Page 159). This official, county-stamped plat reveals two acts of fraud at inception:
 1. Fabricated Sewer Easement: The plat imposed a “new 20’ sewer easement” across Lot 10, despite no condemnation proceeding, no voluntary conveyance, and no recorded easement in the chain of title. Dorchester unilaterally annexed \approx 16% of Lot 10 into the subdivision’s utility grid.
 2. Omission of Stormwater Easement: The plat failed to record the required stormwater drainage pond easement mandated by the 2004 USACE permit. By excluding it, Dorchester County concealed that runoff would be illegally dumped onto Lot 10 from three public right-of-way streets and over 20 residential parcels, rather than being routed to adjacent wetlands as permitted by USACE in 2004.

This single document proves Dorchester County’s egregious and deliberate fraud: it simultaneously fabricated an easement and omitted a federally required one.

- 2005 – Performance Bond Letter (Ex. 16): GEL Engineering prepared a bond estimate for subdivision completion that included **storm** drainage, junction boxes, inlets, and outfalls across Lot 10. This confirms Dorchester treated Lot 10 as subdivision utility land from the outset.
- 2010s – Expanded Trespass: By the 2010s, \approx 50% of Lot 10’s setbacks were used as stormwater basins for 20+ homes and 3 roads, despite a 2015 plot plan marked “No Easement” (Ex. 2). Raw sewage also began pooling at the Lot 10 vent riser.
- 2016 – ALTA Title Confirmation (Ex.19): The ALTA title report for Lot 10 confirms that no sewer or stormwater easements were ever

recorded in the chain of title. This means the “new 20’ sewer easement” shown on the 2005 Final C-1 Plat (Ex. 18) was fabricated without lawful conveyance, and the federally required 170’ stormwater drainage infrastructure easement (per the 2004 USACE permit, Ex. 11) was concealed by omission. The title record proves that Dorchester never condemned, compensated, or lawfully obtained rights over Lot 10, yet proceeded to treat the property as subdivision utility land for 20+ years.

- 2018 – Halderman’s Video (Ex. 3): HOA President Halderman filmed his own “backyard river” flooding years before any mitigation. Later, his affidavit (ghostwritten by Anderson, Ex. 7) perjured Lot 10 into blame. He then deleted the video (spoliation).
- 2020 – Goldston Admission & Recall (Ex. 4): County engineer Goldston admitted Lot 10 was the subdivision stormwater pond, then attempted to recall/delete the email — spoliation.
- 2020 – Trespass Video & Fabricated Map (Exs. 5–6): Officials Goldston and Partridge trespassed Lot 8 → Lot 10 → Lot 7 without a warrant or easement. Anderson fabricated a false ingress/egress map to obscure the trespass, directly contradicting the Huckaby affidavit (Ex. 12).
- 2020 – COVID DMV Shutdown & Triple Tax (Exs. 13, 15): During Governor McMaster’s COVID Stay-at-Home Order, DMV offices were closed, making it impossible to obtain state IDs. Dorchester Assessor nonetheless imposed a triple property tax surcharge on Applicant’s AAPI family for lacking SC IDs. In 2021, Dorchester refused to refund the unlawful surcharge.
- 2021 – Retaliatory NOVs (Ex. 9): Within weeks of filing suit, Dorchester conspired with SCDES to issue a retaliatory NOV, expanding fabricated fines of \$1,000/day — now totaling ≈\$1.8M.
- 2023 – \$10M SCHIP Grant (Ex. 17): Dorchester celebrated receipt of a \$10 Million SCHIP grant to expand Pump Station #4. Lot 10’s manhole 4-64 is the gateway node to PS-4, proving the motive behind

two decades of fraud: Lot 10's unlawful annexation was monetized into a federal windfall.

- 2025 – Benchmark Survey (Ex. 2, Ex. 10): Benchmark survey photographs confirm raw sewage pooling at Lot 10's vent riser, with 23+ homes and 2 subdivisions tied in. Planned Rolina Homes connections would expand the trespass further.
- 2025 – Ongoing Harassment on Sept. 11, 2025: Contractors repairing stormwater runoff-damaged wood fencing on Lot 10 were threatened by residents citing Hoffman Lane as "private." This intimidation stems from Dorchester's 2019 Goldston letter (Ex. 20) and has been enabled by the County's failure to remove an illegal gate and signage. Applicants issued a formal Legal Notice on Sept. 15, 2025 (Ex. 21) to Goldston, Frampton, Anderson, and County Council, demanding correction and removal. The Notice itself demonstrates the pattern of county-sponsored obstruction and harassment.

Summary: From the 2005 Final C-1 Plat (Ex. 18) to the 2023 SCIIP grant (Ex. 17), Dorchester's conduct has been egregious, systemic, and deliberate. The County fabricated a sewer easement, omitted a federally required stormwater easement, spoliated incriminating evidence, and retaliated against an AAPI family with discriminatory taxes — all to secure and monetize Lot 10's unlawful annexation into the subdivision's utility grid.

Fraud and Obstruction

Dorchester's misconduct was not negligent. It was heinous, grotesque, and egregious fraud upon the court:

- Halderman Spoliation (Ex. 3): Deleted video contradicting affidavit; deposition evaded. *Egregious obstruction.*
- Goldston Recall (Ex. 4): Deleted admission email = *egregious spoliation.*
- Trespass + Fabricated Map (Ex. 5–6): Warrantless trespass caught on video; fabricated map introduced. *Egregious fraud under Hazel-Atlas.*

- Frampton Denials (Ex. 8): Egregious denials by Chief County Attorney despite incontrovertible proof. *Systemic obstruction from the top.*
- FOIA Obstruction: Refusal to disclose insurance & subdivision plans. *Egregious concealment.*
- County-Sponsored Obstruction (Exs. 21, 21(b)): In 2019, Dorchester falsely declared Hoffman Lane “private.” In 2025, residents used that letter to justify blocking access and threatening contractors. On Sept. 15, 2025, Applicants formally notified the County (Ex. 21(b)), yet no corrective action has been taken.

Together, these acts show a pattern of spoliation, fabrication, and perjury orchestrated by the county legal department and its counsel. This is a systemic fraud upon the court, striking at judicial integrity.

Civil Rights and Discrimination

In 2020, Dorchester County imposed a triple tax surcharge on Applicant’s AAPI family for not possessing a South Carolina ID. Yet under Governor McMaster’s Executive Order 2020-21, effective April 7, 2020, residents were legally required to stay home, DMV services were closed as non-essential, and unnecessary travel risked arrest or fines. Dorchester’s surcharge was therefore not only impossible to comply with, but it was also egregious racial discrimination under the Equal Protection Clause, later cemented by the County’s 2021 refusal to refund.

Reasons for Granting Relief

The Fourth Circuit’s behavior underscores why intervention under Rule 23 and the All Writs Act (28 U.S.C. § 1651(a)) is essential. When an appellate court issues an unpublished per curiam rubber-stamp, refuses oral argument, and denies all corrective motions, it is not adjudicating — it is covering up without intervention:

1. Likelihood of Success – *Loretto, Lucas, Hazel-Atlas, Scott, Sekhar, Stop the Beach.*

2. Irreparable Harm – raw sewage pooling, stormwater trespass, \$1,000/day fines, Rolina Homes tie-ins, racial discrimination, and unjust monthly sewer fees.
3. Balance of Equities – Dorchester loses nothing by halting fraud; Applicant suffers ongoing constitutional harm.
4. Public Interest – Dorchester County’s egregious corruption monetized into \$10 million SCIIP grant (Ex. 17). Fraud upon the court imperils judicial integrity nationwide.

Dorchester continues to sponsor harassment and obstruction. A 2019 County letter falsely declaring Hoffman Lane “private” (Ex. 20) empowered residents to threaten contractors in 2025. Despite a Sept. 15th 2025, Legal Notice (Ex. 21) demanding correction and removal of illegal obstructions, the County has taken no action. This is ongoing irreparable harm.

This Court has condemned fraud upon the court as an institutional wrong in *Hazel-Atlas*. Here, that wrong is compounded by judicial fraud at the appellate level: COA4’s refusal to enforce federal permits, state attorney general opinions, or constitutional protections for an AAPI family during COVID. Left unchecked, this collusion teaches local governments and federal courts alike that egregious corruption can be blessed by silence.

Prayer for Relief

Applicant respectfully requests this Court, pursuant to Rule 23 and the All Writs Act, 28 U.S.C. § 1651(a):

1. Enjoin Dorchester County from:
 - Continuing stormwater trespass across Lot 10;
 - Discharging sewage through Lot 10’s manhole 4-64;
 - Connecting additional tie-ins (Rolina Homes);
 - Enforcing retaliatory NOV fines.
2. Remand with instructions that the U.S. District Court for the District of South Carolina:
 - Reopen the record and address evidence of egregious fraud upon the court (spoliated video/email, fabricated map, ghostwritten affidavit, denials);

- Hear and decide the Equal Protection claim arising from Dorchester County's COVID-era triple tax surcharge on an AAPI family;
- Provide appropriate just compensation and reparations under *Loretto* and *Lucas*;
- Address federal grant fraud and accountability referrals in light of Dorchester's \$10M SCIIP expansion (Ex. 17).

3. Grant such other and further relief as may be just and proper.

Closing Statement

Dorchester County's misconduct is not a routine dispute. It is a heinous, grotesque, and egregious scheme of systemic Deep South corruption and racial discrimination, monetized into a \$10 million federal grant and sustained through fraud upon the court, spoliation, fabricated evidence, concealment, and retaliation.

This wrong is compounded by the judicial fraud of the Fourth Circuit itself. On January 14, 2025, COA4 issued an unpublished per curiam opinion summarily affirming the District Court, offering no analysis, refusing oral argument, and denying every corrective motion. Their boilerplate "no reversible error" was not appellate review — it was collusion. By double-stamping both the district and appellate dockets, COA4 signaled its intent to shield corruption and punt the case to this Court.

Hazel-Atlas teaches that fraud upon the court is a wrong against the institutions of justice themselves. Here, both USDC-Charleston and COA4 engaged in that wrong — one by blessing fabricated maps, spoliated evidence, and racial discrimination, and the other by refusing to confront it at all. This is judicial fraud: a federal appeals court protecting public corruption by silence.

Recent federal enforcement in North Charleston underscores that public corruption in South Carolina is not only real but actionable — "8 charged," city councilmen indicted, guilty pleas entered, schemes exposed. If the DOJ and U.S. Attorney's Office in SC are prosecuting corruption schemes in North Charleston, then the fraud and abuse in Dorchester County should be no less subject to scrutiny.

If this Court will not grant full relief, it should, at a minimum, remand with instructions to reopen the record, void retaliatory fines, and provide reparations for egregious systemic corruption and discrimination.

This Court should also direct the DOJ, FBI, EPA, and USACE to open inquiries and refer responsible actors — public and private, judicial, and administrative — for terminations, disbarments, decertification, debarments, dispossession, and, where warranted, prosecutions.

As Justices Alito and Thomas rebuked the Ninth Circuit in *Pina* for “flagrant error” in qualified-immunity cases, this Court should likewise rebuke COA4 and USDC-Charleston for tolerating fraud upon the court.

Anything less emboldens governments and lower courts everywhere to Fabricate, Annex, Fine, Obstruct — and expect appellate courts to collude by silence. That precedent would be fatal to judicial integrity. This Court must rebuke it.

Respectfully submitted,

/s/ Ms. Criselda Reyes, Pro Se Applicant
PO Box 1113
Summerville, SC 29484-1113

Email: erkings76@gmail.com

September 17th 2025

Table of Authorities

- *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944)
- *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982)
- *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992)
- *Penn Central Transp. Co. v. NYC*, 438 U.S. 104 (1978)
- *Scott v. Harris*, 550 U.S. 372 (2007)
- *Sekhar v. United States*, 570 U.S. 729 (2013)
- *Stop the Beach Renourishment v. Fla. DEP*, 560 U.S. 702 (2010)
- *Pina v. Estate of Dominguez*, 604 U.S. ____ (2025)

Table of Appendices

- Appendix A – Exhibit Spotlight (bench memo, 1 page)
- Appendix B – Curated Exhibit List (18 items, incl. \$10 Million SCIIP press release)
- Appendix C – USDC Order 191
- Appendix D – COA4 Order 27 (Unpublished)

Certificate of Service

I certify that on Sept. 17th 2025, I served one copy of this Emergency Application under Rules 23 & 33.2 and the All-Writs Act, 28 U.S.C. § 1651(a), including Appendices A–D, by [FedEx/USPS Mail/Email] upon:

Jason L. Ward
Dorchester County Administrator
201 Johnson Street
St. George, SC 29477

Courtesy copies sent same day to: SC Governor McMaster, SC AG Wilson, DOJ Public Integrity, EPA-OIG, USACE-OIG, and SC Supreme Court-ODC.

/s/ Ms. Criselda Reyes, Pro Se Applicant
PO Box 1113
Summerville, SC 29484-1113

Email: erkings76@gmail.com

Appendix A – Exhibit Spotlight

Lot 10 at Hillside Farms subdivision (Summerville, SC) – ≈66% unlawfully annexed as sewer/stormwater corridor without condemnation, converted into gateway node (Manhole 4-64) feeding Pump Station #4, expanded with a \$10 Million SCIIP grant (Ex. 17).

Quick Reference Guide:

- **Ex. 1 – 2005 \$5 Bill of Sale**
\$5 “purchase” of sewer system, no easements across Lot 10. → *Uncompensated taking.*
- **Ex. 2 – 2015 Plot Plan + Benchmark Survey Photos (2025)**
“No Easement” notation; sewage pooling; stormwater trespass; Rolina tie-ins disclosed. → *Ongoing harm.*
- **Ex. 3 – Halderman 2018 “Backyard River” Video**
Shows flooding predated mitigation; later affidavit ghostwritten; video deleted (spoliation). → *Perjury + spoliation.*
- **Ex. 4 – Goldston July 2020 Email & Recall**
Admission Lot 10 was a stormwater pond; recall/delete attempt. → *Egregious spoliation.*
- **Ex. 5 – Trespass Video Screenshots (2020)**
County officials are trespassing without a warrant/easement. → *Constitutional trespass.*
- **Ex. 6 – Anderson Fabricated Map**
The false ingress map contradicts Huckaby’s affidavit. → *Fraud upon the court.*
- **Ex. 7 – Halderman Ghostwriting Emails (USDC Entry 199)**
Affidavit drafted by Anderson Law. → *Perjury orchestrated by counsel.*
- **Ex. 8 – Frampton Denial Emails (2020–23)**
The County Attorney denied trespass despite the video/affidavits. → *Systemic obstruction.*
- **Ex. 9 – NOV Summary (~\$1.8M fines)**
Fabricated fines of \$1,000/day since 2020; SCDES NOV after suit. → *Retaliation.*
- **Ex. 10 – Dorchester GIS Maps + PS-4 SCIIP Signage**
Lot 10’s manhole = gateway to PS-4 expansion. → *Utility hub proven by the County’s own maps.*

- **Ex. 11 – 2004 USACE Permit + 2005 SC AG Opinion**
Required routing between Lots 7 & 8; condemnation required. → *Baseline law ignored.*
- **Ex. 12 – Huckaby Affidavit**
Sworn testimony: Hoffman Lane is the only lawful ingress/egress. → *Contradicts the fabricated map.*
- **Ex. 13 – 2020 Property Tax Bill**
Triple surcharge imposed on an AAPI family during DMV (Covid-19) shutdown. → *Equal Protection violation.*
- **Ex. 14 – Sewer Bill(s)**
\$70/month collected on annexed manhole. → *Unjust enrichment.*
- **Ex. 15 – Governor’s COVID Shutdown Order (excerpts)**
DMV offices closed; compliance impossible. → *Proves tax surcharge discriminatory.*
- **Ex. 16 – 2005 GEL Bond Letter**
Bond estimate covered storm drainage across Lot 10. → *Lot 10 bonded as public utility land.*
- **Ex. 17 – 2023 SCIIP Grant Press Release**
The county celebrated \$10M PS-4 expansion. → *Motive: federal grant fraud.*
- **Ex. 18 – 2005 Final C-1 Hillside Farms Plat** (Planning Commission stamp & recorded plat) County imposed a fake “20’ sewer easement” on Lot 10 with no condemnation or deed. At the same time, it omitted the federally required stormwater drainage infrastructure easement. Official proof of fraud at the recording stage → *Dorchester fabricated what it wanted and hid what it didn’t.*
- **Ex. 19 – 2016 ALTA Title Report (Lot 10)** Confirms no sewer or stormwater easements recorded. Proves the 2005 Final C-1 Plat’s “20’ sewer easement” was fabricated, and the required stormwater easement concealed. Shows Dorchester County never lawfully acquired rights over Lot 10.
- **Ex. 21 – Public Works’ Goldston Letter to Phyllis Floyd (2019)**
County letter falsely declared Hoffman Lane a “private road.” Contradicts plat and title; Used by residents to justify illegal gate/signage and threats.
- **Ex. 21 – Sept. 15th 2025 Legal Notice to Dorchester County**
Formal notice served on Goldston, Frampton, Anderson, and Council demanding retraction of the 2019 “private road” letter and removal of

the illegal Hoffman Lane gate/signage; Proof the County is on notice of obstruction and refuses to act.

Pattern of Corruption

- Ignored federal & state law (Ex. 11).
- Fabricated affidavits & maps (Ex. 6–7).
- Egregious spoliation of video/emails (Ex. 3–4).
- Retaliatory NOVs & discriminatory triple taxes (Ex. 9, 13, 15).
- Monetized theft into \$10 million federal grant (Ex. 17).
- Hoffman residents used the County's 2019 'Private Road' letter to justify illegal fence/gate/signage, intimidation, threats, and harassment (Ex. 20-21).

Appendix B – Curated Exhibit List (21 items)

Ex. 1: 2005 \$5 Bill of Sale – Sewer system “purchase” for \$5; no easements; uncompensated taking.

Ex. 2: 2015 Plot Plan + Benchmark Survey Photos (2025) – “No Easement”; sewage pooling; stormwater trespass; Rolina tie-ins disclosed.

Ex. 3: Halderman 2018 “Backyard River” Video (screenshot + repost title) – Video shows flooding pre-mitigation; later affidavit contradicted it; video deleted (spoliation).

Ex. 4: Goldston July 2020 Email & Recall – Admission Lot 10 was a stormwater pond; recall/delete = spoliation.

Ex. 5: Trespass Video Screenshots (2020) – Officials trespassing without warrant/easement.

Ex. 6: Anderson Fabricated Map – False ingress/egress routes manufactured to obscure trespass; contradicts Huckaby affidavit.

Ex. 7: Halderman Ghostwriting Emails (USDC Entry 199) – Affidavit drafted by Anderson Law; proof of perjury.

Ex. 8: Frampton Denial Emails (2020–23) – Chief County Attorney denied trespass/fraud despite incontrovertible proof.

Ex. 9: NOV Summary (~\$1.8M fines) – Fabricated NOVs imposing \$1,000/day fines; retaliatory SCDES NOV after suit.

Ex. 10: Dorchester GIS Sewer Maps + PS-4 SCIIP Signage – County’s own maps show Lot 10’s manhole as gateway to PS-4; \$10M expansion signage.

Ex. 11: 2004 USACE Permit + 2005 SC AG Opinion – Required drainage via Lots 7 & 8; condemnation required. Ignored.

Ex. 12: 2024 Huckaby Affidavit – Sworn testimony: Hoffman Lane is only lawful ingress; contradicts fabricated map.

Ex. 13: 2020 Property Tax Bill – Triple surcharge imposed on AAPI family during DMV shutdown.

Ex. 14: Lot 10 Sewer Bill(s) – \$66/month collected from annexed manhole.

Ex. 15: Governor’s COVID Shutdown Order (excerpts) – DMV closed; surcharge impossible to avoid.

Ex. 16: 2005 GEL Bond Letter – Bonded subdivision drainage included Lot 10; treated as utility property.

Ex. 17: Dorchester 2023 SCIIP Grant Press Release – County celebrated \$10M grant for PS-4 expansion; proves financial motive.

Ex. 18: 2005 Final C-1 Hillside Farms Plat (Planning Commission Approval & Recorded Map) – Proof of Dorchester County formally annexed Lot 10 into the subdivision utility system without condemnation or easement.

Ex. 19: ALTA Title Report for Lot 10 – Official title report showing no recorded commercial sewer or 170’ stormwater infra easements across Lot 10.

Ex. 20: Public Works Goldston Letter to Phyllis Floyd (May 28th 2019) – Falsely states Hoffman Lane is a “private road.” Contradicted by the recorded plat and title; Empowered residents to obstruct access.

Ex. 21: Legal Notice to Dorchester County (Sept. 15th 2025) – Notice served on County Admin and Council for retraction of the 2019 letter.

Appendix C – U.S. District Court Order (Aug. 21, 2023)

Case: Reyes v. Dorchester County, et al. [2:21-cv-00520-DCN]

Court: United States District Court, District of South Carolina

Judge: David C. Norton

Key Rulings

- Takings Claim (Penn Central test):
 - Found no “substantial diminution” in the value of Lot 10.
 - Rejected evidence of flood insurance increases (\$516) as too minor.
 - Held no “reasonable investment-backed expectations.”
 - Characterized the County’s action (stormwater regulation) as a valid public purpose.
 - Result: No taking; summary judgment for Dorchester.
- Fourth Amendment Claim (Warrantless Entry):
 - Sept. 1, 2020: Goldston entered Lot 10 via neighbors’ lots to inspect stormwater.
 - Applied open fields doctrine → setbacks not “curtilage.”
 - Held no expectation of privacy, therefore no “search.”
 - Result: No Fourth Amendment violation; summary judgment for Dorchester.
- Other Claims:
 - §1983 claims against Ward & Frampton dismissed for failure to state a claim; Motion to appoint special master denied.
 - Magistrate Judge Baker’s R&R adopted in full.

Disposition

- Plaintiffs’ summary judgment denied; Defendants’ summary judgment granted; Case dismissed with prejudice.

Takeaway for SCOTUS

- District Court shielded Dorchester by:
 - Misapplying Penn Central; Stretching “open fields” to excuse trespass.
 - Refusing to address fraud evidence (spoliated video, fabricated map, retaliatory fines); Demonstrates judicial tolerance of fraud and corruption → SCOTUS intervention required.

Appendix D – Fourth Circuit Order (Jan. 14, 2025)

Case: Reyes v. Dorchester County, et al.

Appeal No.: 23-2100 (4th Cir.)

Panel: Judges Wilkinson, King, Floyd

Key Rulings

- Disposition:
 - Issued unpublished per curiam opinion.
 - “Reviewed the record and found no reversible error.”
 - Affirmed District Court in full.
- Process:
 - Dispensed with oral argument despite fraud and constitutional claims.
 - Denied motions for joinder, misnomer correction, sanctions, and reconsideration.
 - Provided no substantive analysis beyond boilerplate affirmance.
- Characteristics:
 - Double stamping (District + Circuit docket) symbolically closed the loop.
 - Perfunctory order → clear “punt” to SCOTUS.

Disposition

- District Court judgment affirmed.
- Appeal was effectively shut down without a reasoned review.

Takeaway for SCOTUS

- COA4 engaged in judicial fraud by omission:
 - Refused oral argument.
 - Ignored fraud evidence (spoliation, fabricated map, ghostwritten affidavit).
 - Denied all corrective motions.
- Colluded with USDC to shield Dorchester’s corruption.
- Left SCOTUS as the only forum capable of addressing egregious fraud upon the court and systemic Equal Protection violations.

**EXHIBIT #1: Recorded 2005 \$5 Commercial Sewer Easement Access –
Taking without 'just compensation.'**

BK 4757PG269

FILED-RECORDED
RMC / ROD

2005 JUN 16 AM 11:55

10.0
STATE OF SOUTH CAROLINA)

COUNTY OF DORCHESTER

MARGARET L. DAILEY BILL OF SALE
DORCHESTER COUNTY, SC

KNOW ALL MEN BY THESE PRESENTS, that H AND C DEVELOPMENT GROUP, INC., in consideration of FIVE AND NO/100 DOLLARS (\$5.00), the receipt and sufficiency whereof is hereby acknowledged, hereby grants, bargains, sells, transfers and delivers unto the Dorchester County Public Works, its successors and assigns, the following described property, to-wit:

All of the sewer and sewer systems, lines, mains, facilities, and apparatus, if any, that are presently installed and/or being installed in that certain portion more particularly shown on that as-built drawings made by Phillip Dixon and Geometric Surveying Company, Inc.

TO HAVE AND TO HOLD THE SAME FOREVER.

H and C Development Group, Inc. states that it is the sole owner of the assets hereinabove described and has full right and authority to sell and transfer the same. And the said does, for itself and its successors, warrant, covenant and agree to forever defend that title to the said assets for the benefit of the Dorchester Country Public Works, its successors and assigns, against all persons lawfully claiming.

H+C DEVELOPMENT

CHRIS NICHOLS

1 SEAHORSE CT

Isle of Palms, SC

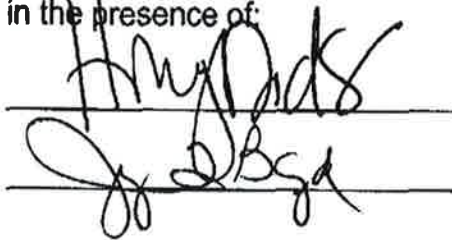
29451

Note: \$5 Commercial Sewer Easement as Annexation Gateway of Lot 10

BK 4757PG270

WITNESS its hand and seal this 16 day of June, 2005.

Signed, Sealed and Delivered
in the presence of:




H AND C DEVELOPMENT GROUP, INC.

By: 
Christopher Nichols, President

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

ACKNOWLEDGMENT

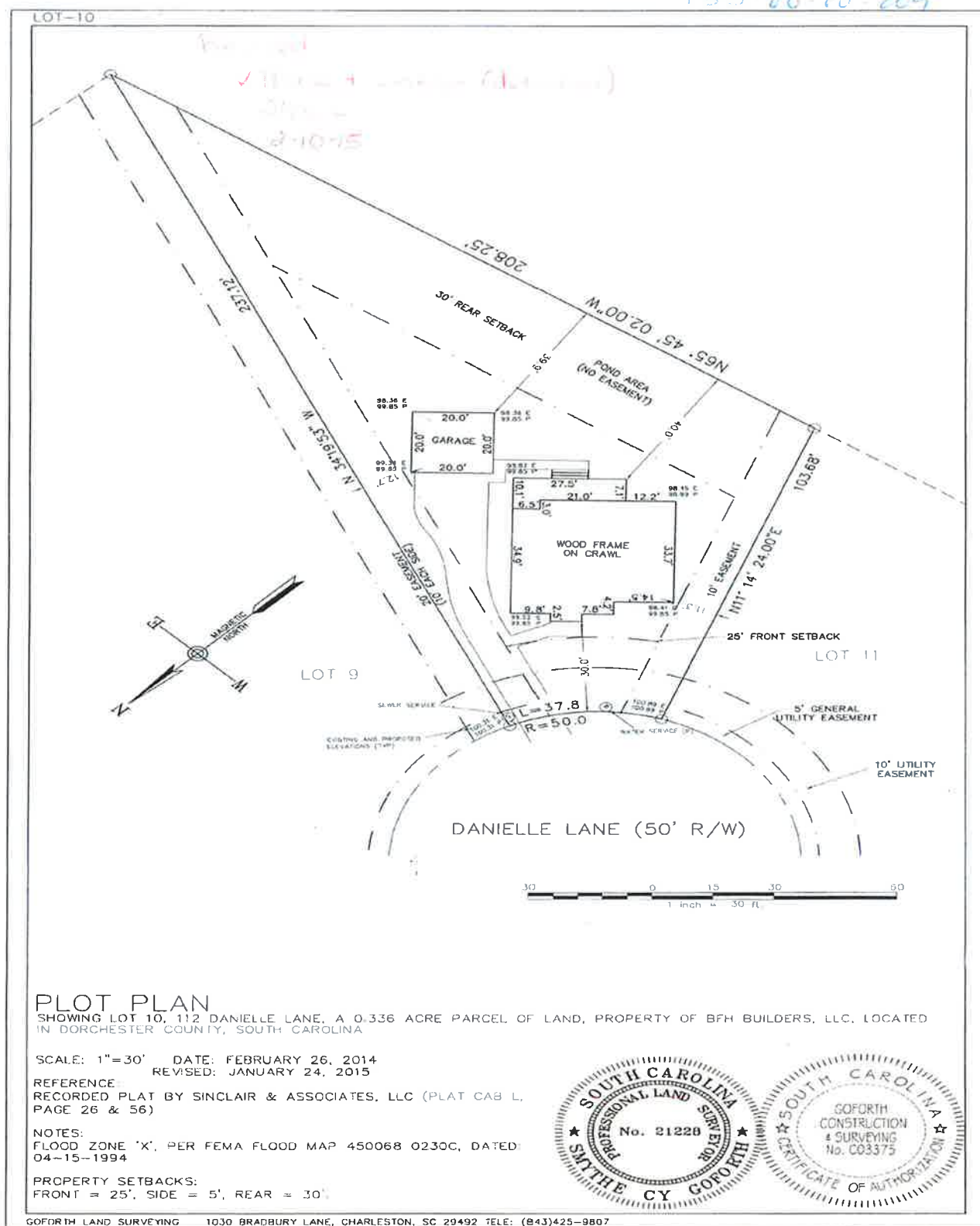
The foregoing instrument was acknowledged before me this 16 day of June, 2005,
by H and C Development Group, Inc., by Christopher Nichols, President.


NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 5-2-15

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER
Filed for record this 16th
Day of June 2005
at 11:55 AM and recorded
in book 4757 page 269
MARGARET L. BAILEY
REGISTER OF DEEDS

The county only paid \$5 in June 2005 for the 16% taking of Lot 10 for sewer infrastructure.

**EXHIBIT #2a: Revised 2015 Plot Plan – ‘No Easement’ [Pond Area]
Encroachment on the 30’ Rear Setback (Feb. 2015)**



**EXHIBIT #2b: Benchmark Land Development Services Survey –
Confirmation of Rolina Homes Planned Sewer-Connection to Lot 10's
Manhole 4-64 on June 2025 <https://youtu.be/4rjrCFTaRIk>**





EXHIBIT #2b: 2025 Rolina Investment, LLC (Rolina Homes) and GIS/TMS Confirmation Disclosed



gisportal.dorchesterco...



Residential Developments ...

1350000228000



FULL_TMS

135-00-00-
228.000

OWNER

ROLINA
INVESTMENTS LLC

PROPERTY_LOCA
TION

MENTOR ST



Esri Community Maps Contributors, Charleston... Powered by Esri



COMPANY INFORMATION

Company Name: [ROLINA INVESTMENTS, LLC](#)
Entity Type: SOUTH CAROLINA DOMESTIC LIMITED-LIABILITY COMPANY
File Number: [600243](#)
Filing State: South Carolina (SC)
Filing Status: Good standing
Filing Date: February 27, 2013
Company Age: 12 Years, 5 Months
Registered Agent:  Jason R. Fabrizio
501 Bramson Ct, Unit 400
Mt Pleasant, SC 29464-4054
Governing Agency: South Carolina Secretary of State

COMPANY CONTACTS

[JASON R. FABRIZIO](#)

Agent



501 Bramson Ct, Unit 400
Mt Pleasant, SC 29464-4054

EXHIBIT #2c: Current Raw Sewage inside Lot 10's Sewer Vent Pipe (08-2025) is an ongoing trespass and health hazard.

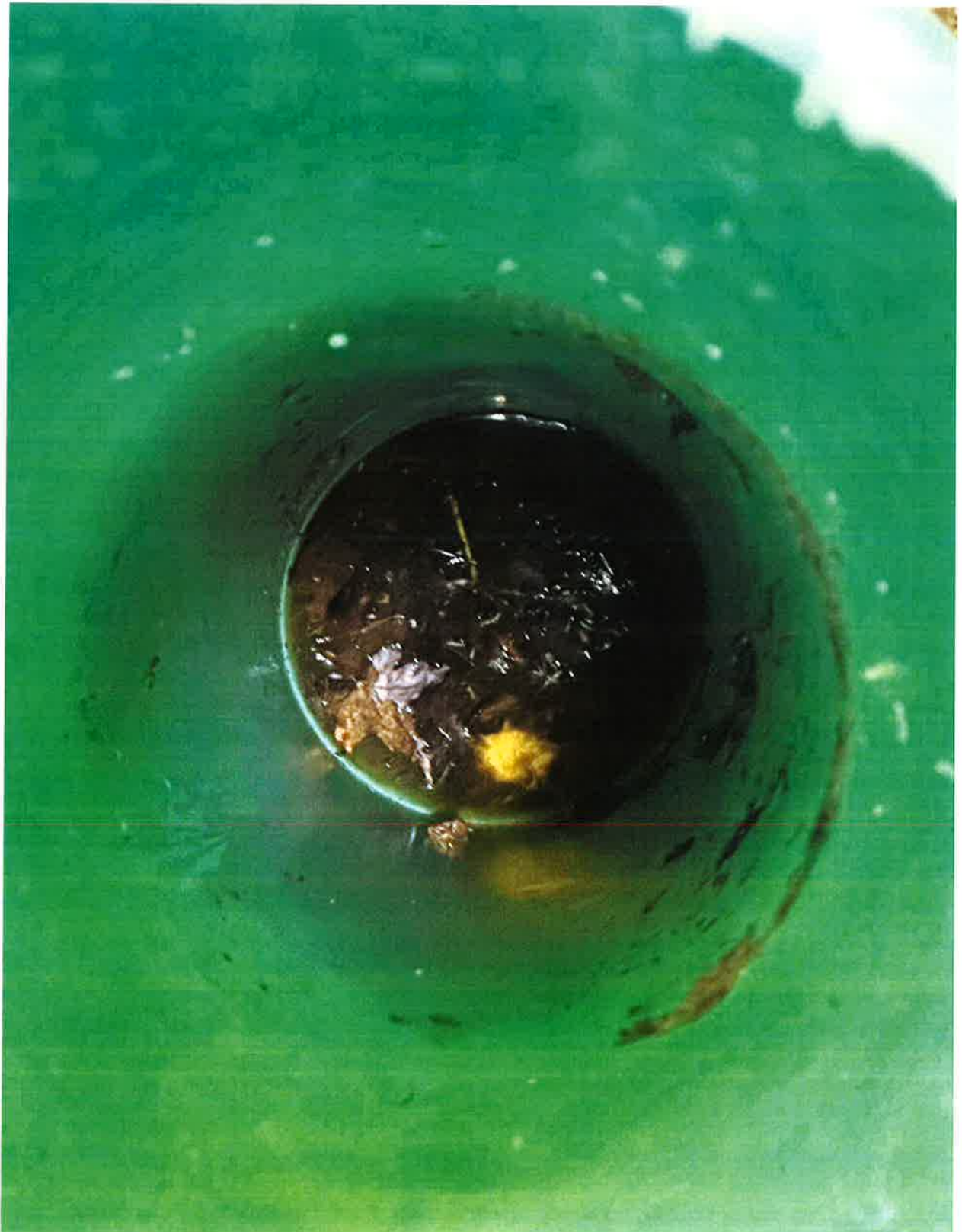
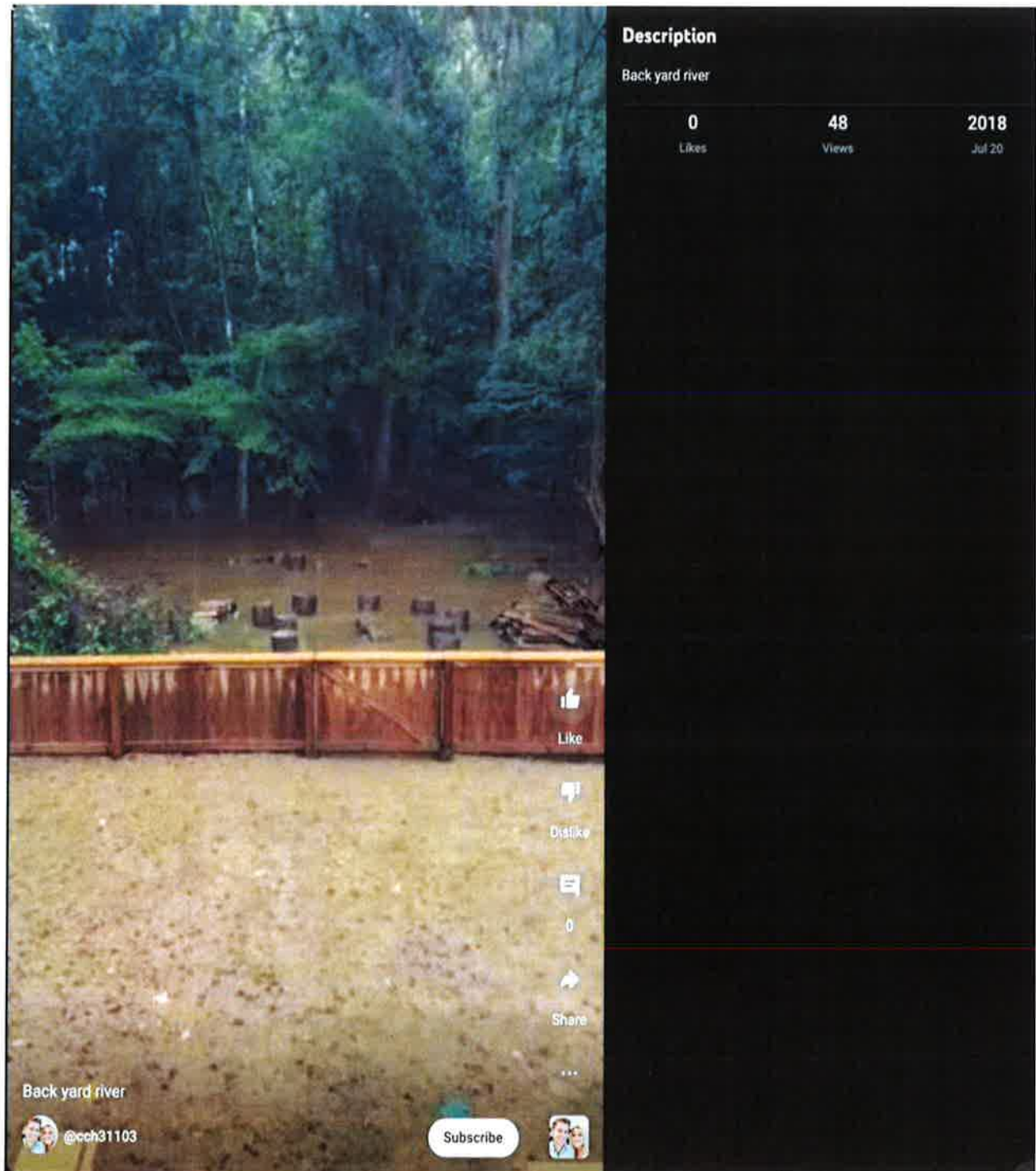




EXHIBIT #2d: Lot 10 Standing Stormwater / Mosquito Habitat (08-2025) is an ongoing trespass and health hazard.



EXHIBIT #3: Halderman's Lot 5 'Backyard River' 2018 YouTube Video



This July 2018 YouTube video [@cch31103] of HOA President Halderman's Lot 5: Video proves pre-existing flooding inside Hillside Farms subdivision before Petitioners' moved March 2020; affidavit ghostwritten by Anderson contradicts Halderman's affidavit; video later removed (spoliation), perjury/fraud upon the court.

<https://youtu.be/X6X9p3Yroeo> [reposted link after spoliation discovered Aug. 2025]

EXHIBIT #4: Public Works engineer Goldston July 2020 Email & Sept. 2020 Recall – Admission + spoliation.

From: Mike Goldston
Sent: Tuesday, July 28, 2020 4:03 PM
To: erkings76@gmail.com
Cc: Kacy Byrd <KByrd@dorchestercountysc.gov>
Subject: RE: Stormwater problem: 112 Danielle lane

This property has a stormwater pond on the rear of the property that serves Hillside Farms. As owner of this property you are responsible to maintain the pond. Proper maintenance includes ensuring the original design intent of the pond is maintained by cutting the grass/weeks, removing any vegetative growth and sediment/silt that may be reducing the capacity of the pond. In addition the inlet and outlet are to be maintained to ensure they are functioning as intended. If you have any further questions please let me know.

From: Life With A Toddler & Dogs: Good Life! <erkings76@gmail.com>
Sent: Friday, July 24, 2020 11:43 AM
To: Public Works <PublicWorks@dorchestercountysc.gov>
Subject: Stormwater problem: 112 Danielle lane

[EXTERNAL - This message originated outside our organization. Use caution when clicking links or opening attachments.]

Please connect the drainage pipe by installing 135 feet (45 yards) of HDPE corrugated pipe to the stormwater box. We're tired of seeing floodings after massive thunderstorms this year. This is a huge public safety threat to our property, pets & residents. I'm available for a Zoom or Skype meeting. Please do respond to this email request ASAP!

Thank you,

Crisel Reyes



Good Life <erkings76@gmail.com>

Recall: Stormwater problem: 112 Danielle lane

1 message

Mike Goldston <mgoldston@dorchestercountysc.gov> Wed, Sep 9, 2020 at 10:15 AM
To: "Life With A Toddler & Dogs: Good Life!" <erkings76@gmail.com>
Cc: Kacy Byrd <KByrd@dorchestercountysc.gov>, John Frampton <jframpton@dorchestercountysc.gov>, Jason Carraher <JCarraher@dorchestercountysc.gov>

Mike Goldston would like to recall the message, "Stormwater problem: 112 Danielle lane".

Public Works admission Lot 10 was a stormwater pond; recall/delete attempt, Spoliation, and guilty knowledge.

EXHIBIT #5: Trespass Video Screenshots (09/2020) – Public Works officials Goldston & Partridge stormwater pond admission and trespassing from Lots 7 and 8 (non-ingress/egress) without a warrant/easement



Video Transcript – County Public Works Trespassing https://youtu.be/O2238k_cQKE

REYES: What are you doing?

GOLDSTON: Discharge, stormwater discharge, stormwater discharge on your pond.

REYES: You're on video, by the way.

GOLDSTON: That's good. This is a stormwater pond.

REYES: What are you talking about?

GOLDSTON: What you just filled in...

REYES: Yeah?

GOLDSTON: ...is a stormwater pond structure for this development.

REYES: Hmmm

GOLDSTON: We're gonna take measures to get it restored.

REYES: Take measures between the two easements?

GOLDSTON: I heard that we talked about it over the phone that you were not allowed to fill in.

REYES: No, I'm allowed to maintain that. That's my maintenance.

REYES: I mean, if you guys don't f**king get off, I'm gonna sue your county.

GOLDSTON: Go ahead...do what you need to do.

REYES: Every single property here doesn't have a hole.

GOLDSTON: That's my easement right there!

REYES: This is my 20-foot easement...20-foot easement over there.

GOLDSTON: You're not supposed to have a fence in our easement either, sir.

REYES: Come again?

GOLDSTON: You're not supposed to have a fence in our easement, sir.

REYES: What are you talking about?

GOLDSTON: It's in the ordinance, read it!

REYES: Get the f**k out of here, man. You're in my private property!

GOLDSTON: No, that's not private property.

REYES: Yeah, it is!

PARTRIDGE: It's a right-of-way.

GOLDSTON: That's an easement, sir. I have the right to be there.

REYES: No, you don't.

GOLDSTON: Oh, you will find out.

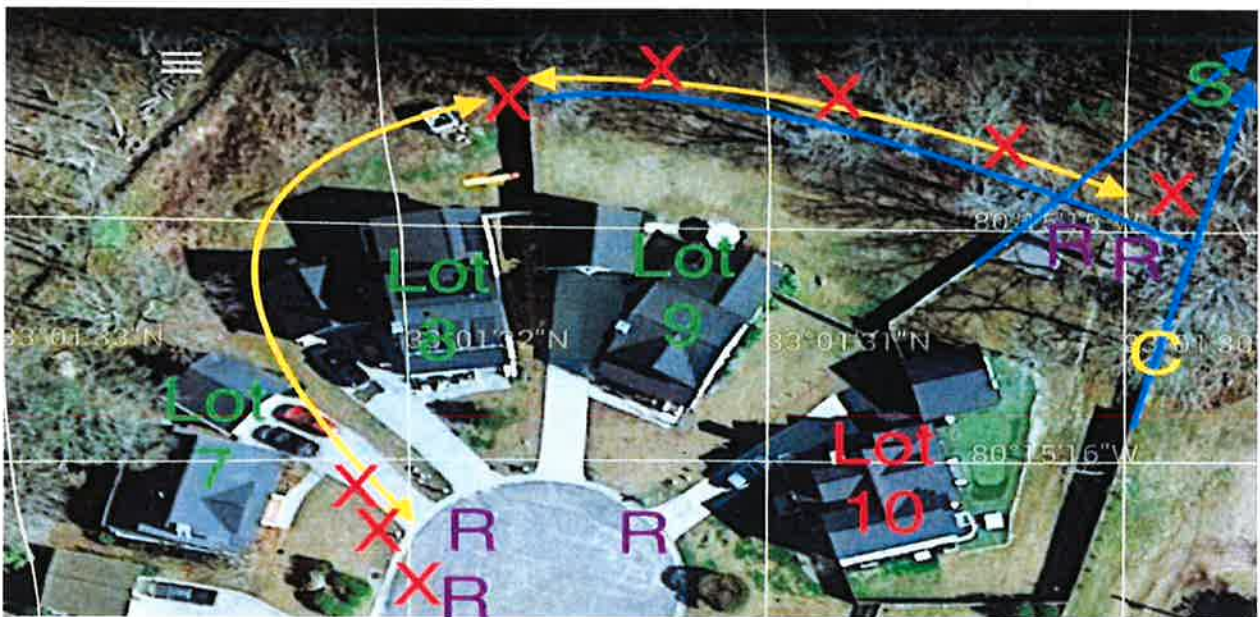
REYES: Did she call you in? Did she call you in? Sneaking in my private property thru her property.

GOLDSTON: Have a good day!

REYES: F***! F**king racists, f**king racists!



Public Works officials Goldston and Partridge walked away from the backlots of 10-9-8-7 to their county vehicle parked in front of Lot 7.



Google

X: Sept. 2020 County's Lot 10 trespassing path [non-ingress/egress]

R: Video recording locations by the Petitioner.

C: July 2020 surveillance photo location of Lot 10

S: Commercial sewer line with manhole inside Lot 10

EXHIBIT #6: Anderson Law Group's 2023 Fabricated Map – False ingress/egress, contradicts Huckaby affidavit to downplay County trespassing (video) without a warrant.

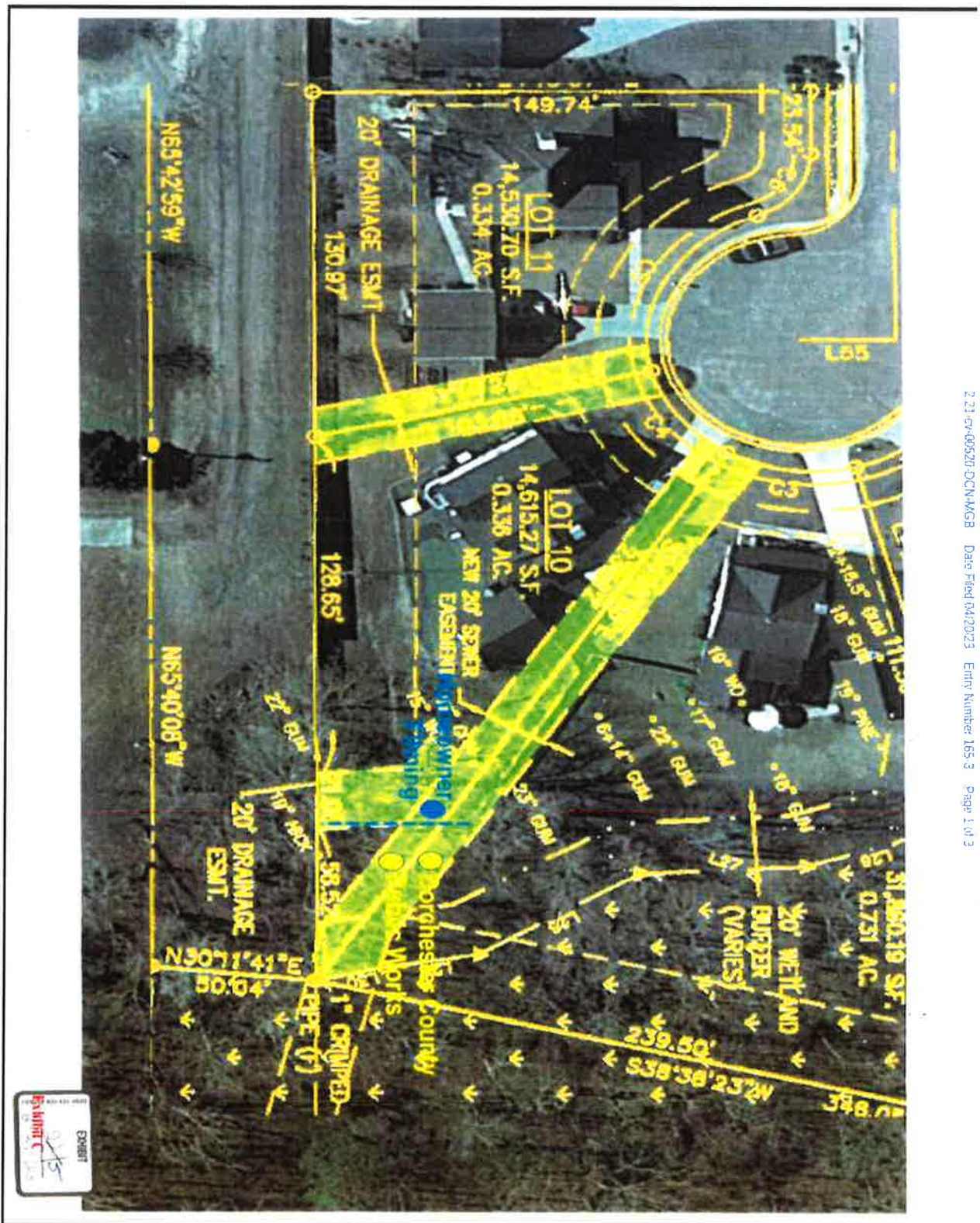


EXHIBIT #7: Halderman Ghostwriting Ex Parte Emails (USDC Entry 199) – Anderson drafted Halderman’s affidavit blaming Lot 10. → *Perjury orchestrated by counsel.*

2:21-cv-00520-DCN

Date Filed 10/02/23

Entry Number 199-3

Page 1 of 33

From: [Jonathan L. Anderson](#)
To: [charles halderman](#)
Cc: [Molly C. Jankowski](#)
Subject: RE: Subpoena; Reyes vs. Dorchester Co. Case #2 21-CV-0052MGB
Date: Friday, January 27, 2023 12:38:00 PM

Mr. Halderman,
I hope all is well. Would you be willing to review an affidavit I draft based on the conversation we had last year about the stormwater pond on the Reyes’ property? You are welcome to call me if you have questions: best number (203) 507-6756. Thank you. If you would like, I can speak to an attorney who represents you.

Respectfully,

Jon L. Anderson



Anderson Reynolds & Stephens LLC

Street Address: 37 ½ Broad Street Charleston, SC 29401 Mailing Address: P O Box 87 Charleston, SC 29402

Email Address: landerson@arslawsc.com phone 843-723-0185 DIRECT: 843-375-6182 fax 843-405-0313

Confidentiality Notice:

This message is intended exclusively for the addressee. This communication may contain information that is proprietary, privileged, confidential, or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify Jon Anderson immediately by phone (843-723-0185) or reply to this e-mail and delete all copies of this message.

From: charles halderman <charleshalderman@gmail.com>
Sent: Wednesday, September 28, 2022 3:08 PM
To: Jonathan L. Anderson <landerson@arslawsc.com>
Cc: mjamkowski@arslawsc.com
Subject: Subpoena; Reyes vs. Dorchester Co. Case #2:21-CV-0052MGB

Mr. Anderson,

My name is Charles Halderman and I am unfortunately a neighbor of the Reyes family. My wife received this subpoena, I am showing to have one coming, as well as many other neighbors. Please see attached.

Respectfully,
Charlie Halderman
404-713-7648

Exhibit C

Note: County Lawyers’ Ex Parte Emails w/ Charles Halderman, Jan. 27th, 2023 @ 12:38 EST

From: [Jonathan L. Anderson](#)
To: pncappleexpressconstruction@gmail.com
Cc: [Molly C. Jankowski](#), [JJ Anderson](#)
Subject: Reyes Litigation Affidavit
Date: Monday, February 6, 2023 1 12:00 PM
Attachments: [2023.02.06 Affidavit C Halderman.docx](#)

Mr. Halderman,

Please see the attached affidavit. I know there's a lot of red on it, and if you want, we can talk again about these issues. This is sworn testimony, just like you'd give in front of a judge. As a result, **Please make sure everything is truthful to the best of your knowledge.** Do not just go along with my language because it sounds good; this should be a give-and-take. Please edit the document, and send it back to us as soon as possible. Thank you for your quick attention to this.

Respectfully,

Jon L. Anderson



Anderson Reynolds & Stephens PC

Street Address: 37 ½ Broad Street Charleston, SC 29401 Mailing Address: P O Box 87 Charleston, SC 29402

Email Address: landerson@arslawsc.com phone 843-723-0185 DIRECT: 843-375-6182 fax 843-405-0313

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Exhibit C

Note: County Lawyers' Ex Parte Emails with Charles Halderman, Feb. 6th, 2023 @ 13:12 EST

From: [Charles Halderman](#)
To: [Jonathan L. Anderson](#)
Subject: Re: Reyes Litigation Affidavit
Date: Monday, February 6, 2023 2:18:15 PM
Attachments: [Affidavit_C_Halderman.docx](#)

Mr. Anderson,

Please see attached changes. Once you are happy with the verbiage please send me a final draft for signature and notary

Respectfully,
Charlie Halderman
Pineapple Express Construction, LLC
404-713-7648
PineappleExpressConstruction@gmail.com



On Mon, Feb 6, 2023 at 1:12 PM Jonathan L. Anderson <landerson@arslawsc.com> wrote:

Mr. Halderman,

Please see the attached affidavit. I know there's a lot of red on it, and if you want, we can talk again about these issues. This is sworn testimony, just like you'd give in front of a judge. As a result, **Please make sure everything is truthful to the best of your knowledge.** Do not just go along with my language because it sounds good; this should be a give-and-take. Please edit the document, and send it back to us as soon as possible. Thank you for your quick attention to this.

Respectfully,

Jon L. Anderson



Anderson Reynolds & Stephens

Exhibit C

Note: County Lawyers' Ex Parte Emails with Charles Halderman, Feb. 6th, 2023 @ 14:18 EST

From: [Charles Halderman](#)
To: [Jonathan L. Anderson](#)
Subject: Re: Reyes Litigation Affidavit
Date: Monday, February 6, 2023 2:20:24 PM
Attachments: [Meeting Minutes 10_16_2018.pdf](#)

Mr. Anderson,
Please also see the minutes for the HOA meeting referenced below.

Respectfully,
Charlie Halderman
Pineapple Express Construction, LLC
404-713-7648
PineappleExpressConstruction@gmail.com



On Mon, Feb 6, 2023 at 1:12 PM Jonathan L. Anderson <landerson@arslawsc.com> wrote:

Mr. Halderman,

Please see the attached affidavit. I know there's a lot of red on it, and if you want, we can talk again about these issues. This is sworn testimony, just like you'd give in front of a judge. As a result, **Please make sure everything is truthful to the best of your knowledge.** Do not just go along with my language because it sounds good; this should be a give-and-take. Please edit the document, and send it back to us as soon as possible. Thank you for your quick attention to this.

Respectfully,

Jon L. Anderson



Anderson Reynolds & Stephens

Exhibit C

Note: County Lawyers' Ex Parte Emails with Charles Halderman, Feb. 6th, 2023 @ 14:20 EST

From: [Charles Halderman](#)
To: [Jonathan L. Anderson](#)
Subject: Re: Reyes Litigation Affidavit
Date: Monday, February 6, 2023 3:03:40 PM

Lastly I located the date I contacted the engineering office. August 31st 2020.

On Mon, Feb 6, 2023, 1:12 PM Jonathan L. Anderson <landerson@arslawsc.com> wrote:

Mr. Halderman,

Please see the attached affidavit. I know there's a lot of red on it, and if you want, we can talk again about these issues. This is sworn testimony, just like you'd give in front of a judge. As a result, **Please make sure everything is truthful to the best of your knowledge.** Do not just go along with my language because it sounds good; this should be a give-and-take. Please edit the document, and send it back to us as soon as possible. Thank you for your quick attention to this.

Respectfully,

Jon L. Anderson



Street Address: 37 ½ Broad Street Charleston, SC 29401 Mailing Address: P O Box 87 Charleston, SC 29402

Email Address: landerson@arslawsc.com phone 843-723-0185 DIRECT: 843-375-6182 fax 843-405-0313

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Exhibit C

Note: County Lawyers' Ex Parte Emails with Charles Halderman, Feb. 6th, 2023 @ 15:03 EST

From: [Jonathan L. Anderson](#)
To: [Charles Halderman](#)
Cc: [Molly C. Jankowski](#), [JJ Anderson](#)
Subject: RE: Reyes Litigation Affidavit
Date: Monday, February 6, 2023 4:08:00 PM
Attachments: [2023.02.06 Affidavit C Halderman.docx](#)
[Halderman Alt. A.pdf](#)

I made a few edits for clarity. Please review to make sure everything is truthful and accurate.

I appreciate the efforts you made to get this turned around today.

Respectfully,

Jon L. Anderson



Anderson Reynolds & Stephens

Street Address: 37 1/2 Broad Street Charleston, SC 29401 Mailing Address: P O Box 87 Charleston, SC 29402

Email Address: landerson@arslawsc.com phone 843-723-0185 DIRECT: 843-375-6182 fax 843-405-0313

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From: Charles Halderman <pineappleexpressconstruction@gmail.com>

Sent: Monday, February 6, 2023 3:03 PM

To: Jonathan L. Anderson <landerson@arslawsc.com>

Subject: Re: Reyes Litigation Affidavit

Lastly I located the date I contacted the engineering office. August 31st 2020.

On Mon, Feb 6, 2023, 1:12 PM Jonathan L. Anderson <landerson@arslawsc.com> wrote:

Mr. Halderman,

Please see the attached affidavit. I know there's a lot of red on it, and if you want, we can talk again about these issues. This is sworn testimony, just like you'd give in front of a judge. As a result, **Please make sure everything is truthful to the best of your knowledge.** Do not just go along with my language because it sounds good; this should be a give-and-take. Please edit the document, and send it back to us as soon as possible. Thank you for your quick attention to this.

Respectfully,

Exhibit C

Note: County Lawyers' Ex Parte Emails with Charles Halderman, Feb. 6th, 2023 @ 16:08 EST

From: [Charles Halderman](#)
To: [Jonathan L. Anderson](#)
Subject: Re: Reyes Litigation Affidavit
Date: Monday, February 6, 2023 6:20:04 PM
Attachments: [signed.pdf](#)
[Halderman Att. A.pdf](#)

See attached

Respectfully,
Charlie Halderman
Pineapple Express Construction, LLC
404-713-7648
PineappleExpressConstruction@gmail.com



On Mon, Feb 6, 2023 at 4:08 PM Jonathan L. Anderson <landerson@arslawsc.com> wrote:

I made a few edits for clarity. Please review to make sure everything is truthful and accurate.

I appreciate the efforts you made to get this turned around today.

Respectfully,

Jon L. Anderson



Anderson Reynolds & Stephens

Street Address: 37 1/2 Broad Street Charleston, SC 29401 Mailing Address: P O Box 87 Charleston, SC 29402

Email Address: landerson@arslawsc.com phone 843-723-0185 DIRECT: 843-375-6182 fax 843-405-0313

Confidentiality Notice:

This message is intended exclusively for the addressee. This communication may contain information

Exhibit C

Note: County Lawyers' Ex Parte Emails with Charles Halderman, Feb. 6th, 2023 @ 18:20 EST

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

Criselda and Emmanuel Reyes,
Pro Se Plaintiffs,

Civil Action No. 2:21-cv-00520-DCN-MGB

v.

AFFIDAVIT OF CHARLES HALDERMAN

Dorchester County of South Carolina, Jason L. Ward, Mike Goldston, Jason Carraher, and John Frampton, as Individuals and in their Official Capacities at Dorchester County Administration,

Defendants.

APPEARING BEFORE ME PERSONALLY, Charles Halderman, *[Is this the full name on your birth certificate?]* who, after duly sworn, did depose and state:

1. I am over the age of 18 and of sound mind.
2. I live at *[address number]* Danielle Lane, Summerville, South Carolina and have since *[what year?]*. I served as the President of the Hillside Farms Property Association ("POA") from *[what date]* until it was dissolved on 16 December 2022. *[is this date correct?]*
3. As the President of the POA, I have knowledge about the creation of the subdivision and the management of the POA. *[Is this true? Does your construction business ever do any stormwater work or give you any special insight to stormwater issues?]*
4. I am aware that Lot 10 contained a stormwater asset which served Hillside Farms. *[You told me this on the phone; how did you know this?]*
5. On or around the beginning of September 2020, *[do you know the date?]*, I contacted Dorchester County Public Works Department to let them know that I believed the owners of Lot 10 (Dr. and Mr. Reyes) were filling in the stormwater pond in their backyard. *[Did you ask them to do anything, or did you just make the complaint?]* I made this complaint based on fact that a significant amount of piping and fill dirt was deposited outside of Lot 10. This was of concern to me personally, and as the president of the POA, as I believed this pond served an important function in the removal of water from our neighborhood. *[Is all this true?]*
6. *[Have you noticed increased flooding in the neighborhood since the installation of the piping on Lot 10?]*
7. *[Did you and Mr Reyes ever talk about the stormwater asset?]*
8. *[Anything else you'd like to add that you think is pertinent to this case?]*

Exhibit C

Note: County Lawyers' Manufactured Affidavit of Charles Halderman, Draft #1, Pg. 1

Affidavit of Charles Halderman
2:21-cv-00520-DCN-MGB

FURTHER AFFIANT SAYETH NOT.

Charles Halderman

SWORN TO AND SUBSCRIBED
BEFORE ME THIS ____ DAY
OF _____, 2023.

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: _____

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

Criselda and Emmanuel Reyes,

Pro Se Plaintiffs,

v.

Dorchester County of South Carolina, Jason
L. Ward, Mike Goldston, Jason Carraher, and
John Frampton, as Individuals and in their
Official Capacities at Dorchester County
Administration,

Defendants.

Civil Action No. 2:21-cv-00520 DCN MCB

AFFIDAVIT OF CHARLES HALDERMAN

APPEARING BEFORE ME PERSONALLY, Charles Clair Halderman, *[Is this the full name on your birth certificate?]* who, after duly sworn, did depose and state:

1. I am over the age of 18 and of sound mind.
2. I live at *[address number]* 109 Danielle Lane, Summerville, South Carolina and have since 2017 *[what year?]*. I served as the President of the Hillside Farms Property Association ("POA") from 19 September 2018 until it was dissolved on or about 01 November 2020. *[Is this date correct?]*
3. As a South Carolina Licensed Residential Builder and from reviewing the recorded plats, I have knowledge about the creation of the subdivision and stormwater management. *[Is this true? Does your construction business ever do any stormwater work or give you any special insight to stormwater issues?]*
4. I am aware that Lot 10 contained a stormwater asset which served Hillside Farms. While acting as president of the POA the previous owner of Lot 10 requested to fill the retention pond for the neighborhood. I pulled the recorded plats and spoke to the civil engineer's office for Dorchester County. Using this information, we voted to that the POA has no responsibility to maintain drainage ditch and that the POA would not document nor take any financial responsibility for ditch behind 112 Danielle Ln. This is recorded in the meeting minutes dated 16 October 2018 *[You told me this on the phone; how did you know this?]*
5. On or around the beginning of September 2020, *[do you know the date?]*, I contacted Dorchester County Public Works Department to inquire if a drainage permit had been approved for Lot 10 (Dr. and Mr. Reyes) as they were having a significant amount of plastic culvert and

Exhibit C

Note: County Lawyers' Manufactured Affidavit of Charles Halderman, Draft #2, Pg. 1

**Affidavit of Charles Halderman
2:21-cv-00520-DCN-MGB**

about 18 tandem dump truck loads of fill dirt delivered on a Friday evening, which were installed across the weekend working mostly at night. This is what sent off red flags that the work hadn't been approved and permitted. *[Did you ask them to do anything, or did you just make the complaint?]* The civil engineer I spoke with asked to provide photos and informed me that the property owner had requested to perform this work on two other occasions and was turned down due to not submitting engineering reports, drainage assessments or any type of plan to mitigate the stormwater. This was of concern to me personally, and as the president of the POA, as we already have significant flooding on the rear of properties located on the north and east sides of the neighborhood. *[Is all this true?]*

6. There has been increased water noticeable during heavy rains on the rear of our property but I cannot speak to the extent on other neighbors properties. *[Have you noticed increased flooding in the neighborhood since the installation of the piping on Lot 10?]*
7. Upon purchasing the home Mr. Reyes said he would like to fill in the "retention pond" to increase his yard size. I explained that it was doable, just expensive and that he would have to reach out to the engineer's office about stormwater assessments and permitting for an underground retention system. I had already helped the previous property owner research the same idea so was well versed in the cost and steps. *[Did you and Mr Reyes ever talk about the stormwater asset?]*
8. *[Anything else you'd like to add that you think is pertinent to this case?]*

FURTHER AFFIANT SAYETH NOT.

Charles Halderman

**SWORN TO AND SUBSCRIBED
BEFORE ME THIS ____ DAY
OF _____, 2023.**

**NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: _____**

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

Criselda and Emmanuel Reyes,

Pro Se Plaintiffs,

v.

Dorchester County of South Carolina, Jason
L. Ward, Mike Goldston, Jason Carraher, and
John Frampton, as Individuals and in their
Official Capacities at Dorchester County
Administration,

Defendants.

Civil Action No. 2:21-cv-00520-DCN-MGB

AFFIDAVIT OF CHARLES HALDERMAN

APPEARING BEFORE ME PERSONALLY, Charles Clair Halderman, who, after duly sworn, did depose and state:

1. I am over the age of 18 and of sound mind.
2. I live at 109 Danielle Lane, Summerville, South Carolina and have since 2017. I served as the President of the Hillside Farms Property Association ("POA") from 19 September 2018 until it was dissolved on or about 01 November 2020.
3. I have knowledge about the POA's stormwater management facilities from reviewing the recorded plats during my tenure as POA president, informed by my profession as a South Carolina Licensed Residential Builder.
4. I am aware that Lot 10 contained a stormwater asset which served Hillside Farms. While acting as president of the POA, the previous owner of Lot 10 (Harold McCarty) requested to fill the retention pond for the neighborhood. I pulled the recorded plats and spoke to the civil engineer's office for Dorchester County. Using this information, the POA voted that it had no responsibility to maintain the stormwater pond and that the POA would not document nor take any financial responsibility for it. I've provided a copy of the recorded meeting minutes dated 16 October 2018 which address this issue. [**Attachment A**]
5. On 31 August 2020, I contacted Dorchester County Public Works Department to inquire if a drainage permit had been approved for Lot 10 (Dr. and Mr. Reyes) as they were having a significant amount of plastic culvert and about 18 tandem dump truck loads of fill dirt delivered on a Friday evening, which were installed across the weekend working mostly at night. This is what sent off red flags that the work hadn't been approved and permitted. The civil engineer I spoke with asked to provide photos and informed me that the property owner had requested to

Exhibit C

Note: County Lawyers' Manufactured Halderman Affidavit, Draft #3, Pg. 1 - 2

Affidavit of Charles Halderman
2:21-cv-00520-DCN-MGB

perform this work on two other occasions and was turned down due to not submitting engineering reports, drainage assessments or any type of plan to mitigate the stormwater. This was of concern to me personally, and as the president of the POA, as we already have significant flooding on the rear of properties located on the north and east sides of the neighborhood.

6. Since Lot 10 filled in the retention pond, I have noticed an increased in water during heavy rains on the rear of our property, but I cannot speak to the experience of the other neighbors.
7. Upon purchasing the home Mr. Reyes told me he would like to fill in the "retention pond" to increase his yard size. I explained that it was doable, just expensive and that he would have to reach out to the County Engineer's office about stormwater assessments and permitting for an underground retention system. I had already helped the previous property owner research the same idea so was well versed in the cost and steps.

FURTHER AFFIANT SAYETH NOT.

Charles C. Halderman

SWORN TO AND SUBSCRIBED
BEFORE ME THIS ____ DAY
OF _____, 2023.

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: _____

EXHIBIT #8: County Attorney John Frampton Admission/Denial Emails (2021) – County Attorney denied trespass despite incontrovertible video & affidavits. → *Systemic obstruction at the top legal level.*



John Frampton

jframpton@dorchestercountysc.gov

[Hide details](#)



To: Good Life

Cc: Mike Goldston Kacy Byrd

Craig M. Lloyd Bradley A. Mitchell

Date: February 4, 2021, 7:54 AM

As I have repeatedly said, there has been no taking.
Therefore there are no documents.

John



John Frampton

jframpton@dorchestercountysc.gov

[Hide details](#)



To: Good Life

Cc: Mike Goldston Kacy Byrd

Craig M. Lloyd

Date: January 21, 2021, 11:36 AM

Mr. Reyes,

In response to your below request, there has been no
inverse condemnation on Lot 10 and therefore there are
no documents responsive to your request.



EXHIBIT #9: NOV Summary (~\$1.8M fines) – Fabricated fines of \$1,000/day since Sept. 2020; SCDES NOV after suit filed. → *Retaliation under color of law.*



**DORCHESTER COUNTY PUBLIC WORKS
2120 EAST MAIN STREET
DORCHESTER, SC 29437**

**Mike Goldston, PE, Engineering Manager
(843) 832/563-0189**

NOTICE OF VIOLATION

September 1, 2020

Mr. Criselda Ingacio Reyes
112 Danielle Lane
Hillside Farms
Summerville, SC 29483

Subj: Stormwater Pond
TMS#135-00-00-209

Dear Mr. Reyes:

Upon inspection September 1, 2020, the stormwater pond serving Hillside Farms located at the rear of 112 Danielle Lane has been filled in. This is a direct violation of the Dorchester County Stormwater Management Program Ordinance #07-21. You were notified by the attached email dated 7/28/2020 that the stormwater pond was required to be maintained as owner of the property. The attached plat and approved drawing for this subdivision are attached and show the applicable 20' drainage easement and stormwater pond.

You are required to do the following:

- Restore the pond to original condition in 48 hours from the date of this letter
- Notify this office upon completion for an inspection of the work

As authorized by Ordinance 07-21 fines up to one thousand dollars (\$1,000) per violation/day may be assessed.

Please contact Kacy Byrd at (843)832-0070 if you have any questions.

Sincerely,

Mike Goldston, PE
Engineering Manager
Dorchester County Public Works



**DORCHESTER COUNTY PUBLIC WORKS
2120 EAST MAIN STREET
DORCHESTER, SC 29437**

**Mike Goldston, PE, Engineering Manager
(843) 832/563-0189**

FINE

September 9, 2020

Mr. Criselda Ingacio Reyes
112 Danielle Lane
Hillside Farms
Summerville, SC 29483

Subj: Stormwater Pond
TMS#135-00-00-209

Dear Mr. Reyes:

Upon additional inspection on September 8, 2020, the stormwater pond serving Hillside Farms located at the rear of 112 Danielle Lane has not been restored to original condition as required in the September 1, 2020 Notice of Violation. This is a direct violation of the Dorchester County Stormwater Management Program Ordinance #07-21. As authorized by Ordinance 07-21, you are **fined \$1000.00** and are subject to fines up to one thousand dollars (\$1,000) per violation/day from the date of the NOV. The following actions are required:

- Payment of fine by 9/11/2020 end of workday
- Restore pond to original condition immediately
- Upon completion of the restoration contact Public Works to schedule an inspection
- Provide permanent access to the pond for inspection

Please contact Kacy Byrd at (843)832-0070 if you have any questions.

Sincerely,

Mike Goldston, PE
Engineering Manager
Dorchester County Public Works

CC: County Attorney
Public Works Director

St. George (843) 563-0100
St. George Fax 563-0137
Summerville (843) 832-0100
Summerville Fax 832-0137



JASON L. WARD
County Administrator

OFFICE OF THE DORCHESTER COUNTY ADMINISTRATOR

201 JOHNSTON STREET
ST. GEORGE, SOUTH CAROLINA 29477

September 30, 2020

Via US Mail and E-mail to: erkings76@gmail.com

Mr. Crisel Reyes
P.O. Box 1113
Summerville, S.C. 29484

Re: NOV Dated September 1, 2020:112 Danielle Lane

Dear Mr. Reyes:

Your appeal of the Notice of Violation ("NOV") dated September 1, 2020, has been forwarded to me for a review and decision pursuant to the appeals process outlined in the Dorchester County Storm Water Management Program Ordinance No. 07-21.

The NOV was issued to you as a result of your alteration of an existing dry detention basin located on your property which served as a stormwater management facility for the Hillside Farms Subdivision which consists of sixteen (16) residential lots and is therefore considered a major subdivision under the Ordinance. In order to fully address your appeal of the NOV, it is critical to review the purposes and goals of the Ordinance.

The Dorchester County Storm Water Management Program Ordinance is designed to ensure compliance with certain requirements including, but not limited to the following:

1. Preventing the transportation of pollutants,
2. Protecting water quality into receiving waters of Dorchester County, and
3. Addressing runoff including volume, rate and quality through the control and treatment of stormwater with stormwater management facilities.

All of these requirements seek to achieve the goal of the reduction of discharge of pollutants to the maximum extent practicable using management practices, control techniques, and management systems. Stormwater facilities should be designed for the maximum removal of pollutants and the maximum reduction in flow velocities.

In 2004, the Developer submitted to Dorchester County its plans which included, among other things, details regarding the dry detention basin located on your lot. The

plans submitted delineated that stormwater management facility as a "Water Quality Pond". It was designed for two purposes: to control the volume and rate of the discharge of stormwater into the wetlands which adjoin your property and to provide a treatment mechanism for the maximum removal of pollutants prior to discharge into those wetlands.

In 2018, the prior owner of your lot, Mr. and Mrs. McCarty, were made aware that because the dry detention basin was located on their lot, they were required to maintain it to ensure its proper operation. Dorchester County Public Works worked with them to ensure that they restored the facility to its intended function.

It is abundantly clear to me, that when you purchased your lot from the prior owner, the detention basin as well as the structures associated with therewith were obvious and apparent to you.

On July 24, 2020, you contacted the Public Works Department via email requesting that the County install piping to alleviate what you perceived as a flooding problem attributable to the County. You were immediately made aware by Mike Goldston of the Public Works Department that the maintenance of this dry detention basin was your responsibility as the owner of the lot upon which it was located. You chose, however, to eliminate the dry detention basin by piping it without providing to the County any plans or otherwise seeking any permit to alter the existing stormwater management facility. By doing so, you have altered an existing stormwater management facility, modified your property to direct stormwater runoff from its original path, and conducted a land disturbing activity without complying with the Dorchester County Storm Water Management Design Manual. By piping the existing dry detention basin, you have increased the volume and rate of discharge of stormwater into the wetland as well as prevented the removal of pollutants from the stormwater prior to discharge into the wetland. The protection of water quality is an integral and required component of stormwater management systems.

For all of these reasons, I make the decision that the issuance of the Notice of Violation dated September 1, 2020, was justified and appropriate, should be upheld, and you are required pursuant to that NOV to restore the dry detention basin as it previously existed upon your property. I would suggest that you work with the Public Works Department to ensure that your restoration efforts meet the County requirements.

Sincerely,



Jason L. Ward,
Dorchester County Administrator



**DORCHESTER COUNTY PUBLIC WORKS
2120 EAST MAIN STREET
DORCHESTER, SC 29437**

**Mike Goldston, PE, Engineering Manager
(843) 832/563-0189**

November 12, 2020

VIA US MAIL AND E-MAIL to: erkings76@gmail.com

Mr. Criselda Ignacio Reyes
PO Box 1113
Summerville, SC 29484

Mr. Criselda Ignacio Reyes
112 Danielle Lane
Summerville, SC 29484

Re: Notice of Violation 112 Danielle Lane

Dear Mr. Reyes:

This letter follows our meeting at your residence on October 22, 2020, at which time the nature of the violation was explained to you and your attorney. It was my understanding that you or your attorney were to get back with us regarding your plan to rectify your violation of the Dorchester County Stormwater Management Program Ordinance No. 07- 21.

As of the date of this letter, we have not heard from you and have further been advised that your attorney no longer represents you. You have submitted nothing to the Public Works Department evidencing any intent to correct and remedy the Notice of Violation dated September 1, 2020.

Your time to appeal the decision of the County Administrator dated September 30, 2020, has expired and therefore commencing with the date of this letter you will be assessed a civil penalty in the amount of \$1000 per day for each day you remain in violation. This penalty will be collected pursuant to law.

I would further advise you that a violation of the above referenced Ordinance also carries criminal penalties.

The County does not want to assess civil penalties or charge you criminally, but you have left us no alternative. The County only wants you to restore the dry detention basin which was located on your property to its previous condition so that it may function properly as a stormwater management facility for the subdivision.

Mr. Criselda Ignacio Reyes
Thursday, November 12, 2020

The County is willing to forgive the civil penalties as they accrue if you complete restoration of the stormwater management facility as it existed and was approved for the subdivision within 30 days of the date of this letter. Should you fail to do so, the civil penalties from the date of this letter forward will be collected pursuant to law.

Sincerely,



Mike Goldston, PE
Engineering Manager
Dorchester County Public Works

/mg

cc: John G. Frampton, Dorchester County Attorney

St. George: (843) 563-0097
St. George Fax: (843) 563-0137
Summerville: (843) 832-0097
Summerville Fax: (843) 832-0137



John G. Frampton
County Attorney
Bradley A. Mitchell
Deputy Attorney
Carla K. Farmer
Legal Assistant

OFFICE OF THE DORCHESTER COUNTY ATTORNEY

201 JOHNSTON STREET
ST. GEORGE, SOUTH CAROLINA 29477

December 22, 2020

Katelyn Ehnot, Esquire
2040 Ewall St. Suite A
Mt. Pleasant, SC 29464

Re: Your Client, Crisel Reyes

Dear Katelyn:

Thank you for your letter of representation of Mr. Reyes dated November 24, 2020.

Pursuant to Dorchester County's Stormwater Management Ordinance whether or not an easement exists is irrelevant to the issue of your client's alteration of an existing stormwater management facility which served this 16-lot subdivision. In fact, Dorchester County seldom if ever owns stormwater management facilities such as detention/retention ponds which serve subdivisions. Nonetheless, a property owner is not authorized to fill or alter such a stormwater management facility which serves the subdivision.

I assume that you have seen the letter to your client dated September 30, 2020, from the Dorchester County Administrator which upheld the issuance of the Notice of Violation dated September 1, 2020. I enclose a copy of it, however, for your ease of reference since it fully sets forth the reason for the violation and its justification. I would further point out that your client failed to timely appeal that decision.

Civil penalties in the amount of \$1000 per day will continue to accrue and will be collected according to law.

With kindest regards, I remain

Very truly yours,


John G. Frampton
Dorchester County Attorney

JGF/ckf
Enclosure

Cc: Jason Carraher, Via Email
Mike Goldston, Via Email



March 9, 2021

Criselda Ignacio Reyes
112 Danielle Lane
Summerville, SC 29483

Criselda Ignacio Reyes
PO Box 1113
Summerville, SC 29484-1113

Certified Mail Art. No. 9214 8969 0099 9790 1419 1397 46

Re: Stormwater Detention Pond (Parcel ID/ Tax Map # 135-00-00-209)
SCDHEC Permit #18-04-07-01

Dear Ms. Reyes:

Based on information received from Dorchester County officials, the stormwater detention pond located on your parcel and serving Hillside Farms Subdivision was replaced with piping and then backfilled. This stormwater pond was permitted by SCDHEC as part of the overall stormwater management for the Hillside Farms subdivision in 2004. The permit for construction of this subdivision and the stormwater detention pond was issued to comply with the South Carolina Stormwater Management and Sediment Reduction Act and the stormwater requirements under the National Pollutant Discharge Elimination System regulations implemented by SCDHEC.

The South Carolina Stormwater Management and Sediment Reduction Regulations, Section 72-308.B requires proper maintenance of all stormwater management practices, including detention ponds, to ensure proper functioning. The elimination of this stormwater pond is a violation of these regulations and the pond must be restored. Please respond in writing within fifteen (15) days of receipt of this letter stating what action will be taken to address the restoration of the detention pond including a proposed schedule. Failure to respond or properly address the restoration of the detention pond will provide a basis for possible enforcement action.

If you have any questions, I can be reached at (803) 898-4160.

Sincerely,

Brian Wisnewski, Manager
Water Pollution Compliance
Bureau of Water
2600 Bull St, Columbia SC 29201
wisnewbj@dhec.sc.gov

cc: Mike Goldston, Dorchester County Public Works

EXHIBIT #10: Dorchester GIS Maps + PS-4 SCIIP Signage - County's own maps show Lot 10's manhole 4-64 as gateway to Pump Station #4; \$10M expansion signage. → *Utility hub; motive tied to federal grant.*





gisportal.dorchestercounty.net





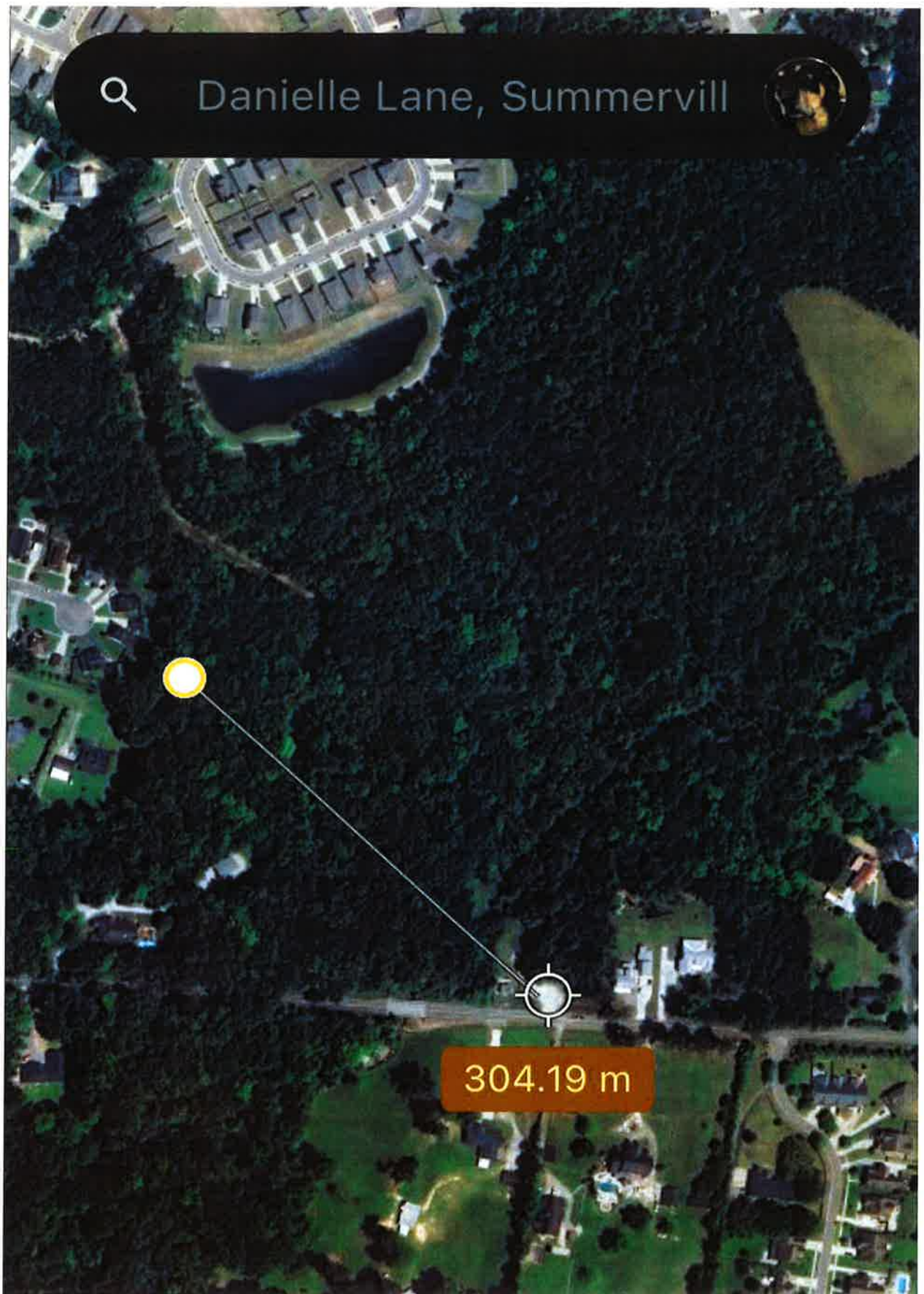
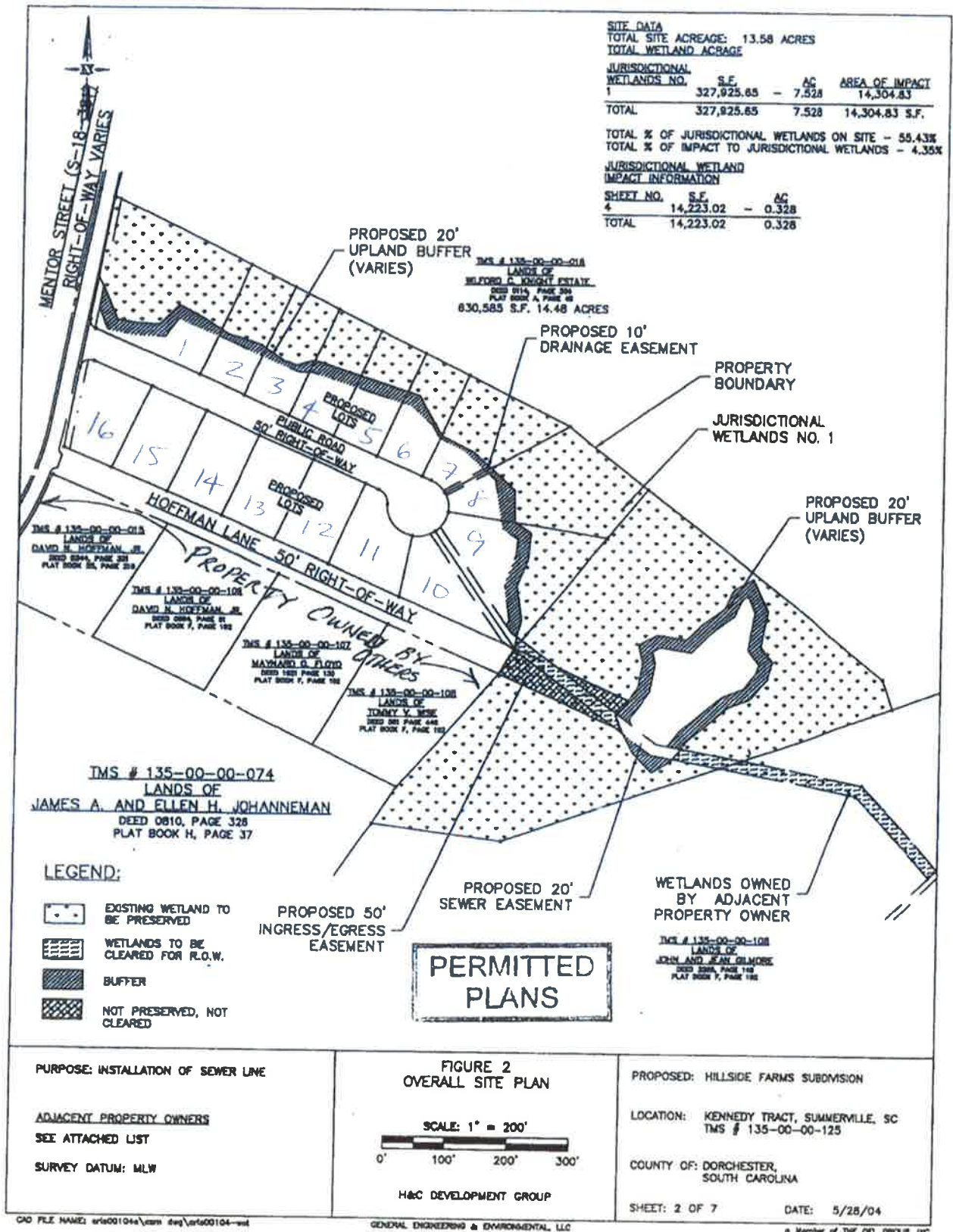
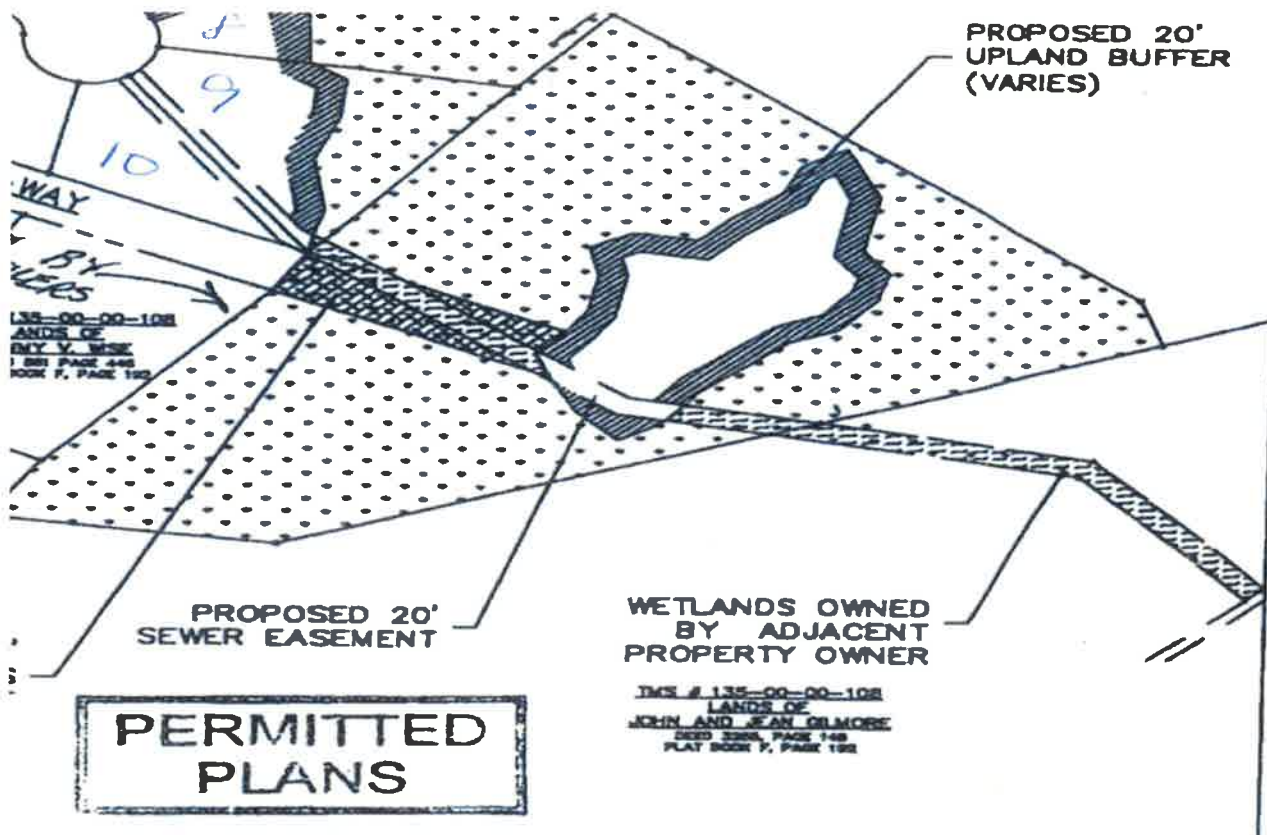






EXHIBIT #11a: 2004 U.S. Army Corps of Engineers Permitted Plan(s)
 – USACE required runoff via Lots 7 & 8 → *Baseline law ignored.*





PROPOSED: HILLSIDE FARMS SUBDMISION

LOCATION: KENNEDY TRACT, SUMMERVILLE, SC
TMS # 135-00-00-125

COUNTY OF: DORCHESTER,
SOUTH CAROLINA

SHEET: 2 OF 7

DATE: 5/28/04

a Member of THE GEL GROUP, INC.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
68A Hagood Avenue
CHARLESTON, SOUTH CAROLINA 29403-5107

April 23, 2004



Regulatory Division

Mr. Ross Nelson
General Engineering & Environmental, LLC
Post Office Box 30712
Charleston, South Carolina 29417

Re: SAC 81-2004-0568(S)
Dorchester County

Dear Mr. Nelson:

This is in response to your letter of March 19, 2004, requesting a wetland determination, on behalf of Mr. Chris Nichols, for a 15.088 acre tract located northeast of the intersection of Hoffman Lane and Mentor Street, near Knightsville, Dorchester County, South Carolina. The project area is depicted on the survey plat you submitted which was prepared by General Engineering & Environmental, LLC, dated March 5, 2004, and entitled "PLAT SHOWING THE LANDS OF JOHN D. AND LEAH V. KENNEDY - MEASURING AND CONTAINING 15.088 ACRES - LOCATED NEAR KNIGHTVILLE IN DORCHESTER COUNTY - SOUTH CAROLINA - SURVEYED AT THE REQUEST OF CHRIS NICHOLS".

This plat depicts surveyed boundaries of wetlands or other waters of the United States as established by your office. You have requested that this office verify the accuracy of this mapping as a true representation of wetlands or other waters of the United States within the regulatory authority of this office. The property in question contains 9.035 acres of federally defined jurisdictional freshwater wetlands or other waters of the United States subject to the jurisdiction of this office. The location and configuration of these areas are reflected on the plat referenced above.

Based on an on-site inspection and a review of aerial photography and soil survey information, it has been determined that the surveyed jurisdictional boundaries shown on the referenced plat are an accurate representation of jurisdictional areas within our regulatory authority. This office should be contacted prior to performing any work in these areas. Enclosed is a form describing the basis of jurisdiction for the areas in question. You should also be aware that these areas may be subject to restrictions or requirements of other state or local governmental entities.

If a permit application is forthcoming as a result of this delineation, a copy of this letter, as well as the verified survey plat, should be submitted as part of the application. Otherwise, a delay could occur in confirming that a delineation was performed for the permit project area.

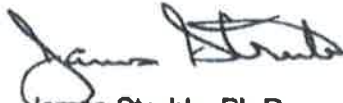
Please be advised that this determination is valid for five (5) years from the date of this letter unless new information warrants revision of the delineation before the expiration date. All actions concerning this determination must be complete within this time frame, or an additional

delineation must be conducted. This approved jurisdictional determination is an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR 331. The administrative appeal options, process and appeals request form is attached for your convenience and use.

In future correspondence concerning this matter, please refer to SAC 81-2004-0568(S). You may still need state or local assent. Prior to performing any work, you should contact the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management (OCRM). A copy of this letter is being forwarded to them for their information.

If you have any questions concerning this matter, please contact me at 843-329-8044 or toll free (outside of the Charleston area) at 1-866-329-8187.

Respectfully,



James Struble, Ph.D.
Biologist

Enclosures:
Basis for Jurisdiction
Notification of Appeal Options

Copy Furnished:

S.C. Department of Health
and Environmental Control
Office of Ocean and Coastal
Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

BASIS OF APPROVED JURISDICTIONAL DETERMINATION

Reference Number: SAC 80-2004-0568(S)

1. This jurisdictional determination meets the criteria set forth in the 1987 Corps of Engineers Wetlands Delineation Manual (Technical Report Y-87-1), as it relates specifically to wetland areas (as opposed to others waters of the United States).

2. Additionally, the area or areas covered under this jurisdictional determination meet the definition of "Waters of the United States" as defined in 33 CFR 328.3(a.)

The following is a checklist of the type or types of "Waters of the United States" that fall within this jurisdictional determination. It is sufficient for jurisdiction if any one of the below types is checked. If in actuality there are additional types that apply, or if the type checked is in error, the actual character of the waters involved and whether they constitute any one of the types below will be controlling for jurisdictional purposes.

- ☐ Tidal waters (including tidal wetlands)
- ☐ Interstate or foreign commerce navigable waters
- ☐ Interstate waters or wetlands
- ☐ Intrastate waters with an interstate/foreign commerce nexus:
 - ☐ Recreation (hunting, fishing, photography) by interstate/foreign travelers
 - ☐ Source of fish, shellfish for interstate or foreign commerce
 - ☐ Industrial use in interstate or foreign commerce
 - ☐ Use by Federally listed endangered or threatened species
 - ☐ Other
- ☐ Impoundment of waters of the U.S.
- ☐ Tributaries to any of the above waters
- ☒ Wetlands adjacent to any of the above waters

3. This jurisdictional determination is also based in part on the following checked items.

- ☒ Plat submitted by the applicant
- ☒ Site Visit / Field Review
- ☒ Consultant's data sheets
- ☐ Corps' navigable waters studies
- ☒ Review of aerial photographs
- ☒ Review of soil maps
- ☐ Review of National Wetlands Inventory maps
- ☐ Other

Prepared by: _____



(signature of Regulatory Division representative)

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant:	File Number:	Date:
Attached is:	See Section below	
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I: The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecworreg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer, South Atlantic Division, 60 Forsyth St, SW, Atlanta, GA 30308-8801. This form must be received by the Division Engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II REQUEST FOR APPEAL OR OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION

If you have questions regarding this decision and/or the appeal process you may contact the Corps biologist who signed the letter to which this notification is attached. The name and telephone number of this person is given at the end of the letter.

If you only have questions regarding the appeal process you may also contact the Coordinator for Appeals in our South Atlantic Division Office in Atlanta, Georgia at (404) 562-5136.

60 Forsyth St, SW Atlanta, GA 30308-8801

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:
----------------------------------	-------	-------------------

EXHIBIT #11b: 2005 SC AG Letter – SC AG Henry McMaster's Office (now SC Governor) required condemnation/compensation. → *Baseline law ignored.*

1999 Library



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

August 19, 2005

Chris Noury, Esquire
North Myrtle Beach City Attorney
1018 Second Avenue South
North Myrtle Beach, South Carolina 29582

Dear Mr. Noury:

In a letter to this office you requested an opinion regarding a proposed ordinance that would prohibit the filling of privately owned lakes and ponds within the boundaries of a municipality. In the specific situation you addressed, the owner of a portion of a non-navigable, privately-owned lake approximately two acres in size applied to the Corps of Engineers and to SCDHEC-Office of Ocean and Coastal Resource Management for a permit or authorization to fill his portion of the lake. He is seeking the filling of the lake in order to add to existing dry ground that would be used to construct single-family residential homes. You indicated that if the property owner is not allowed to fill the portion of the lake that he applied for, the current dry ground is insufficient in size to allow a structure to be placed upon it.

You have indicated that the Corps of Engineers has issued a letter to the applicant stating that it does not have jurisdiction regarding the particular body of water. Also, SCDHEC/OCRM has issued a letter authorizing the fill activity applied for by the applicant. According to your letter, a group of citizens that reside across the street from the lake are adamantly opposed to the lake being filled and have requested that the city council pass an ordinance which would prohibit the filling of privately owned lakes or ponds within the city.

Pursuant to the provisions of S.C. Code Ann. § 5-7-30 (2004) which state:

(e) each municipality of the State, in addition to the powers conferred to its specific form of government, may enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of this State, including the exercise of powers in relation to roads, streets, markets, law enforcement, health, and order in the municipality or respecting any subject which appears to it

Henry McMaster
HENRY C. DENNIS BUILDING • POST OFFICE BOX 11546 • COLUMBIA, S.C. 29211-1546 • TELEPHONE: 803/734-1470 • FACSIMILE: 803/734-4299

Mr. Noury
Page 2
August 19, 2005

necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government in it....

Therefore, in examining any ordinance a determination would have to be made as to whether a proposed ordinance conflicts with the Constitution and general law of the State.

You indicated that the lake is non-navigable. Therefore, consistent with the statement of the State Court of Appeals in White's Mill Colony, Inc. v. Williams, 363 S.C. 117, 129, 609 S.E.2d 811, 817 (2005), the lake "...is not subject to a general right of the public to access its waters." As further noted by the Court in White's Mill Colony,

(u)nder the common law rule, "the owners of the fee in land underlying the surface waters of a man-made, nonnavigable lake are entitled to the **exclusive** control of that portion of the lake lying over the land as to which they **own** the fee...Consequently, owners of all or a part of a pond or lake bed have the right to exclude others from accessing or using the surface waters above their property.

363 S.C. at 130. The Court in its decision indicated that it would follow the common law rule. The Court then held that to the extent a property owner is the fee simple owner of the pond bed, "...it has the exclusive right to the use of the surface waters above its property and may exclude all others from access to those waters." 363 S.C. at 135. In Sea Cabins On The Ocean IV Homeowners Association, Inc., et al v. City of North Beach, 345 S.C. 418, 431, 548 S.E.2d 595, 602 (2001), the State Supreme Court noted that "...the right to exclude others is 'one of the most essential sticks in the bundle of rights that are commonly characterized as property.'"

A prior opinion of this office dated August 24, 1981 also dealt with the question of whether a property owner could control access to a portion of an artificially created lake. As to the right to control access, the opinion, referencing the decision of the State Supreme Court in Morris v. Townsend, 253 S.C. 628, 634, 172 S.E.2d 819 (1970), determined that "...such a right exists where the person seeking to control access owns the bed of the lake." In Morris, the court had stated:

...the defendant, as owner in fee simple of his land, clearly has the exclusive right to use and control that part of the lake which lies above his own land, and has the right to exclude plaintiffs and all other persons claiming by, under or through them, from any use whatsoever of the defendant's lands and waters above said lands.

Mr. Noury
Page 3
August 19, 2005

253 S.C. 628 at 634. Consistent with such, in my opinion, the fee simple owner of a portion of a nonnavigable lake or pond would be authorized to fill in that portion of the lake lying above the portion of the lake owned by that individual. As a result, in my opinion, a municipality would not be authorized to enact an ordinance prohibiting such.

Furthermore, a court could possibly conclude that such an ordinance if enacted would constitute a taking for which the landowner should be compensated. The Fifth Amendment to the United States Constitution provides that "...nor shall private property be taken for public use, without just compensation." In Lucas v. South Carolina Coastal Council, 505 U.S. 1003, 1015 (1992), the United States Supreme Court citing its earlier decision in Agins v. City of Tiburon, 447 U.S. 255, 260 (1980) stated that

...the Fifth Amendment is violated when land use regulation "does not substantially advance legitimate state interests or denies an owner economically viable use of his land."

As to any argument that the enactment of an ordinance would not amount to a total "taking" of the property in that title to the property under water would remain with the landowner and, therefore, a landowner would retain some "economically viable use of his land" if it remained as lake property, in responding to such an argument a complete review of all the facts involved in such situation would be necessary in order make a complete determination as to the question. However, such is beyond the province of this office in the issuance of an opinion in that this office has repeatedly stated that an opinion of the Attorney General cannot determine facts or resolve factual issues. Ops. Atty. Gen. dated October 4, 2004 and December 12, 1983.

Nevertheless, in construing whether the enactment of an ordinance prohibiting the filling of a pond or lake would constitute a "taking" in such circumstances, reference may be had to the described "balancing test" which may be applied to determine whether there has been a taking as set forth in Sea Cabins, supra. Such was referenced in Lucas, 505 U.S. at 1019, fn.8 citing Penn Central Transportation Company v. New York City, 438 U.S. 104 (1978). In Sea Cabins, the State Supreme Court noted that

Three factors are typically balanced to decide whether the public benefit from a regulation or law outweighs the private harm to a landowner: (1) the character of the government action; (2) the economic impact of the regulation on claimant; and (3) the degree to which the regulation/law has interfered with distinct investment-backed expectations.

Mr. Noury
Page 4
August 19, 2005

548 S.E.2d at 601. See also: McQueen v. South Carolina Coastal Council, 354 S.C. 142, 148, fn. 5, 580 S.E.2d 116 (2003) (“(w)hen there has been a partial taking by government regulation, the court determines if compensation is due by a complex of factors referred to as the Penn Central factors.” Again, however, the factual determination as to whether an ordinance prohibiting the filling of a private lake or pond would constitute a compensable taking under such test involves facts and is not a matter for resolution by an opinion of this office.

With kind regards, I am,

Sincerely,



Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Assistant Deputy Attorney General

EXHIBIT #12: Huckaby Affidavit (2024) - Sworn testimony: Hoffman Lane = only lawful ingress/egress. → *Disproves Anderson's fabricated map (Ex. 6).*

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

Ms. Criselda Reyes

Plaintiff,

Vs.

Dorchester County of South Carolina

Defendants.

IN THE FEDERAL COURT OF APPEALS

FOURTH DISTRICT

CASE NO: 23-2100

AFFIDAVIT OF RILEY C. HUCKABY

Being duly sworn, Riley C. Huckaby, states the following:

1. I am a registered engineer-in-training, license number 22116, licensed by the South Carolina Board of Registration for Professional Engineers and Surveyors.
2. I worked for Terracon Consultants, Inc for roughly a year and nine months as an engineering technician and an acting special inspector for Stormwater and Pollution Prevention Plans, SWPPP's. I am now employed by Hannah Solar Government Services, LLC, an engineering, procurement, and construction company, as a PV Designer. I am an electrical engineer by degree and license; however, I possess as much civil engineering experience from the positions I have held.
3. Although the length of tenure with this action was not large with respect to time, I gained a vast amount of experience in the practice of inspecting stormwater and drainage plans, as well as common sense measures for mediating water on construction sites. Through this time, I obtained experience reading and understanding construction plans and land advancement plans.
4. I have been asked by the Plaintiff to review the overall site drainage plans for the Hillside Farms Subdivision in Summerville, South Carolina and previous files that are associated with this subdivision's construction.

5. The final subdivision plat, approved by the Dorchester County Planning Commission on May 19, 2005, does not show a retention pond on the Plaintiff's property, a lot inside of the aforementioned subdivision.
6. My professional experience does not allow me to have the knowledge to conclude or reason the cause of this situation or its consequences to that of the defendants; however, it can be concluded that the plaintiff, according to the Dorchester County Planning Commission approved final subdivision plat, that there is no retention pond that travels through the Plaintiff's property.
7. The final subdivision plat also shows that an ingress and egress easement to the surrounding wetlands and drainage outfalls was installed to the Southeast of the property, and that Hoffman Lane is the right of way to this easement.

FURTHER AFFIANT SAYETH NOT.

SWORN to before me this 4

day of December, 2024

Rebecca B Fabor

My commission expires: Aug -23 2031

Riley C. Huckaby
Riley C. Huckaby

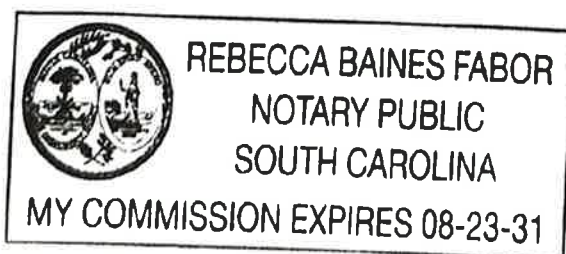


EXHIBIT #13: 2020 Property Tax Bill - Triple surcharge imposed on AAPI family during DMV (Covid-19) shutdown. → *Egregious Equal Protection violation.*

Tax History

Year	Taxes	Total assessment	Land	Additions
2024	\$2,375	-	-	+
2022	\$2,140	-	-	+
2021	\$2,140	-	-	+
2020	\$6,385	-	-	+
2019	\$1,843	-	-	+
2018	\$1,880	-	-	+
2017	\$5,886	-	-	+
2016	\$1,392	-	-	+
2015	\$1,390	-	-	+
2014	\$1,365	-	-	+
2013	\$1,335	\$4,200	\$4,200	+
2012	\$1,284	\$4,200	\$4,200	+
2011	\$1,284	\$4,200	\$4,200	+
2010	\$1,284	\$4,200	\$4,200	+
2009	\$1,255	\$4,200	\$4,200	+
2008	\$1,770	\$6,000	\$6,000	+
2007	\$893	\$3,000	\$3,000	+

Current Property Tax History for Lot 10, including the Covid-19 (3x) tax penalty in 2020 during the state-wide shutdown of government offices.



LEGAL RESIDENCE DENIAL LETTER

Date: 08/30/2021

TMS#: 135-00-00-209.000

Mobile Home Decal #: N/A

RE: 4% Legal Residence Denial /REYES CRISELDA IGNACIO

Your application filed for the Special Assessment based on Legal Residence has been denied for the property above. After reviewing your application and/or information, our office has made the following determination:

_____ To receive the 4% legal residence, owners must occupy the property and not have a property exemption on any other property (4% LR, STAR, Homestead, Etc.).

_____ Rental property (SC Code of Laws section 12-43-220) does not qualify as Legal Residence classification.

___**X**___ **Other Reason:** 4% Legal Residence App declined at this time for Reyes Criselda Ignacio; Mrs. Criselda Ignacio Reyes does not have a SC ID nor a driver's license that is required for the 4% approval; Reyes will not be approved for 2020 refund due to SCDL's were not issued until the 2021 year; Once all required documentation has been submitted the property can be approved for 2021 & forward;

Sincerely,


Dorchester County Assessor's Office

Clerk: J Hilton

DorchesterCountySC.gov

Dorchester County imposed higher property taxes (an additional \$4,244.98) for out-of-state ID residents of South Carolina, an illegal property tax increase in 2021 due to COVID-19 DMV restrictions – a violation of South Carolina Governor's Executive Order No. 2020-29.

EXHIBIT #14: Sewer Monthly Bill(s) – Current \$66/month fees (total 23+ homes) collected while annexing Lot 10. → *Unjust enrichment; continuing financial harm.*



Dorchester County Water & Sewer Department
Online Bill Payment

[Bill Summary](#)
[Link Bill](#)
[Profile](#)

[Update Info](#)
[Notifications](#)
[Billing History](#)
[Usage History](#)
[View Bills](#)

5801112.00 96
Account
No Payment Due

Alias 5801112.00 96
Account Number 5801112.00 96
Name REYES, CRISELDA
Service Address DANIELLE LN
SUMMERVILLE, SC

Current Bill \$66.15
Past Due \$-433.65
Adjustments \$0.00
Penalty \$0.00
Payments \$0.00
Balance Due \$-367.50
Due Date 3/31/2025

[Billing History](#)

[Pay Bill](#)

Automatic Bill Pay
This account is not enrolled.
To enroll: make a payment and select the Automatic Bill Pay option.

View and Print Bills
[Mar 4, 2025](#)
[Feb 4, 2025](#)
[Jan 7, 2025](#)
[Dec 3, 2024](#)
[Nov 5, 2024](#)
[View All](#)

5801112.00 96								
Transaction	Date	Service	Reading	Meter Number	Description	Amount	Usage	Balance
PAYMENT	4/1/2024			8379	Cash VISA	\$ -40.00		\$0.00
PAYMENT	6/2/2024			16796110	AD-BUR CHECK	\$ -61.25		\$ -61.25
BILLING	4/2/2024	SE			FLAT SEWER	\$61.25		\$0.00
PAYMENT	5/2/2024			37185086	AD-BUR CHECK	\$ -61.25		\$ -61.25
BILLING	5/7/2024	SE			FLAT SEWER	\$61.25		\$0.00
PAYMENT	6/5/2024			379351071	AD-BUR CHECK	\$ -61.25		\$ -61.25
BILLING	6/4/2024	SE			FLAT SEWER	\$61.25		\$0.00
PAYMENT	7/2/2024			100045205	AD-BUR CHECK	\$ -61.25		\$ -61.25
BILLING	7/2/2024	SE			FLAT SEWER	\$61.25		\$0.00
PAYMENT	8/2/2024			105744064	AD-BUR CHECK	\$ -61.25		\$ -61.25
BILLING	8/6/2024	SE			FLAT SEWER	\$66.15		\$4.90
PAYMENT	8/14/2024			107991515	AD-BUR CHECK	\$ -4.90		\$0.00
PAYMENT	8/15/2024			105777511	AD-BUR CHECK	\$ -61.25		\$ -61.25
BILLING	9/3/2024	SE			FLAT SEWER	\$66.15		\$4.90
PAYMENT	9/30/2024			100741790	AD-BUR CHECK	\$ -4.90		\$0.00
PAYMENT	10/1/2024			595445105	AD-BUR CHECK	\$ -66.15		\$ -66.15
BILLING	10/1/2024	SE			FLAT SEWER	\$66.15		\$0.00
PAYMENT	10/2/2024			105827803	AD-BUR CHECK	\$ -61.25		\$ -61.25
PAYMENT	11/1/2024			107961896	AD-BUR CHECK	\$ -66.15		\$ -127.40
PAYMENT	11/4/2024			100790140	AD-BUR CHECK	\$ -61.25		\$ -188.65
BILLING	11/5/2024	SE			FLAT SEWER	\$66.15		\$ -122.50
PAYMENT	12/2/2024			102881976	AD-BUR CHECK	\$ -66.15		\$ -188.65
PAYMENT	12/12/2024			102781970	AD-BUR CHECK	\$ -61.25		\$ -249.90

Monthly \$66 sewer bill after the annexation of Lot 10 for commercial public sewer usage

EXHIBIT #15: SC Governor Henry McMaster's COVID-19 Shutdown Order (excerpts) DMV offices closed; impossible to get SC IDs in 2020. → *Proves triple tax surcharge was discriminatory & unlawful.*

Section 1. Home or Work Order

To prepare for and respond to the ongoing and potential impacts associated with COVID-19, and the evolving public health threat posed by the same, and to maintain peace and good order during the State of Emergency, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must take additional proactive action and implement further extraordinary measures to prepare for and respond to the actual, ongoing, and evolving public health threat posed by COVID-19, minimize the resulting strain on healthcare providers and resources, and otherwise respond to and mitigate the significant impacts associated with the same. In furtherance of the foregoing, and to avoid potential exposure to, and to slow the spread of, COVID-19, additional action is necessary to ensure the health, safety, security, and welfare of the people of the State of South Carolina.

B. I hereby order and direct that effective Tuesday, April 7, 2020, at 5:00 p.m., any and all residents and visitors of the State of South Carolina are required to limit social interaction, practice "social distancing" in accordance with CDC guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and shall limit their movements outside of their home, place of residence, or current place of abode (collectively, "Residence"), except as allowed by this Order, for purposes of engaging in Essential Business, Essential Activities, or Critical Infrastructure Operations, as set forth below and as such terms are further defined herein.

C. For purposes of this Order, Residence shall mean and include single-family and multi-family dwelling units, modular and mobile homes, hotels, motels, shared rental units, and any other similar dwelling facilities and structures, without regard to the duration or length of

1. Stay-at-Home / Work Restriction (p. 6, Section 1.B)

"Effective Tuesday, April 7, 2020, at 5:00 p.m., any and all residents and visitors of the State of South Carolina are required to...limit their movements outside of their home, place of residence, or current place of abode...except as allowed by this Order, for purposes of engaging in Essential Business, Essential Activities, or Critical Infrastructure Operations."

Proof: DMV trips were *not* listed as "essential." Residents were literally ordered to stay home.

3. Close-contact service providers as follows:
 - (a) Barber shops
 - (b) Hair salons
 - (c) Waxing salons
 - (d) Threading salons
 - (e) Nail salons and spas
 - (f) Body-art facilities and tattoo services
 - (g) Tanning salons
-

Executive Order No. 2020-21
Page 8
April 6, 2020

- (h) Massage-therapy establishments and massage services
4. Retail stores as follows:
 - (a) Furniture and home-furnishings stores
 - (b) Clothing, shoe, and clothing-accessory stores
 - (c) Jewelry, luggage, and leather goods stores
 - (d) Department stores, with the exception of hardware and home-improvement stores
 - (e) Sporting goods stores
 - (f) Book, craft, and music stores
 - (g) Flea markets
 - (h) Florists and flower stores

2. Closures of Non-Essential Businesses (pp. 7-8, Section 1D.3 & 4)

The Order explicitly closed **close-contact service providers** and **retail stores**, including barbers, salons, spas, and many categories of retail. Non-essential government services were also suspended.

Proof: DMV offices fell under non-essential closures. Residents were legally barred from obtaining state IDs.

E. For purposes of this Order, Essential Activities shall mean and include as follows:

1. Caring for or visiting a family member in another Residence or transporting or travelling with a family member, provided that such activity is conducted with appropriate consideration of, and adherence to, guidance issued by state and federal public health and safety officials, to include the CDC, with regard to “social distancing.”

2. Obtaining necessary supplies and services for family or household members, such as food and supplies for household consumption and use, medical supplies or medication, supplies and equipment needed to work from home, and products needed to maintain safety, sanitation, and essential maintenance of the home or residence. Preference should be given to online ordering, home delivery, and curbside pick-up and delivery options and services wherever possible as opposed to in-store shopping.

3. Engaging in activities essential for the health and safety of family or household members, such as seeking medical, behavioral health, or emergency services.

4. Caring for pets, provided that such activity is conducted with appropriate consideration of, and adherence to, guidance issued by state and federal public health and safety officials, to include the CDC, with regard to “social distancing.”

5. Engaging in outdoor exercise or recreational activities, provided that a minimum distance of six (6) feet is maintained during such activities between all persons who are not occupants of the same Residence.

6. Attending religious services conducted in churches, synagogues, or other houses of worship.

7. Travelling as required by law, to include attending any court proceedings and transporting children as required by court order or custody agreement.

Any individual leaving his or her Residence as authorized herein shall take reasonable steps to maintain six (6) feet of separation from any other person.

3. Essential Activities Definition (p.8, Section 1E.2 & 3)

“Essential Activities shall mean and include...obtaining necessary supplies...seeking medical or emergency services...outdoor exercise...attending religious services...travelling as required by law, to include attending any court proceedings.”

Proof: DMV services were not listed as “Essential Activities.” That omission made compliance impossible.

N. This Section does not apply to essential or emergency meetings of state or local government bodies or gatherings of government officials or employees or other personnel that may be required in connection with the performance of emergency or essential government functions. However, to the extent possible, state or local government bodies should utilize any available technology or other reasonable procedures to conduct such meetings and accommodate public participation via virtual or other remote or alternate means.

Section 2. Enforcement

A. I hereby authorize any and all law enforcement officers of the State, or any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of this Order and any prior or future Orders issued by the undersigned in connection with the present State of Emergency.

B. Pursuant to section 16-7-10(A) of the South Carolina Code of Laws, any individual who “refuse[s] to disperse upon order of a law enforcement officer,” “wilfully fail[s] or refuse[s] to comply with any lawful order or direction of any law enforcement officer,” or otherwise violates any provision of any Order issued by the undersigned in connection with the State of Emergency “is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.”

C. In accordance with section 1-3-440(4) of the South Carolina Code of Laws, I further authorize, order, and direct any State, county, or city official to enforce the provisions of this Order and any prior or future Orders issued in connection with the present State of Emergency, as necessary and appropriate, in the courts of the State by injunction, mandamus, or other appropriate legal action.

D. In addition to the foregoing, I further authorize, order, and direct DHEC to exercise and utilize any and all necessary and appropriate emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, to implement and enforce the provisions of this Order. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

4. Enforcement Provision (p.11, Section 2.B)

“Any individual who willfully fails or refuses to comply with any lawful order or direction of any law enforcement officer...or otherwise violates any provision of any Order issued by the undersigned in connection with the State of Emergency is guilty of a misdemeanor and...must be fined not more than one hundred dollars or imprisoned for not more than thirty days.”

Proof: Not only was compliance with DMV impossible, but residents risked arrest for unnecessary travel.

April 6, 2020

subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

B. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

C. This Order is effective immediately and shall remain in effect for the duration of the State of Emergency unless otherwise modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.



GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 6th DAY OF
APRIL, 2020.

A handwritten signature in blue ink, reading "Henry McMaster", is written over a horizontal line.

HENRY MCMASTER
Governor

ATTEST:
A handwritten signature in blue ink, reading "Mark Hammond", is written over a horizontal line.
MARK HAMMOND
Secretary of State

EXHIBIT #16: 2005 GEL Bond Letter - Bond estimate covered storm drainage across Lot 10. → Lot 10 bonded as public utility land from inception.

MAY-12-2005 15:06

GEL CHARLESTON

P.02

GENERAL ENGINEERING & ENVIRONMENTAL, LLC

Meeting Today's Needs with a Vision for Tomorrow

May 12, 2005

Mr. Danny Thrower
Dorchester County Public Works Department
2120 East Main Street
Dorchester, South Carolina 29437

Re: Performance and Maintenance Bond Amounts based on construction costs for Hillside Farms Subdivision, Dorchester County, South Carolina

Dear Mr. Thrower:

Bonds should be issued in the following amounts:

1. Sidewalks.....\$6,600.00
550 LF @ \$12.00/LF = \$6,600.00

PERFORMANCE BOND AMOUNT \$6,600 x 1.5 = \$9,900.00

2. Roads.....\$60,029.00
Pavement 3,475 cu. yd.
Curb/Gutter 1,420 LF

MAINTENANCE BOND AMOUNT \$60,029 x .15 = \$9,004.35

3. Storm Drainage.....\$32,469.00
5 inlets 27 LF of 15" Dia. RCP
1 junction box 205 LF of 18" Dia. RCP
1 outfall structure 296 LF of 24" Dia. RCP
Miscellaneous Erosion Control

MAINTENANCE BOND AMOUNT \$32,469 x .15 = \$4,870.35

These above costs represent fair market value of the construction.

Thank you for your assistance with this project. If you have any questions or need additional information, please call me at (843) 769-7378, extension 4261.

Sincerely,



Joe Ervin, P.E.
Senior Staff Engineer

cc: cris00104c:publicworks.ltr.doc

GEL a Member of
THE GEL GROUP, INC.

P.O. Box 30712 • Charleston, SC 29417 • 2040 Savage Road (29407)
Phone (843) 769-7378 • Fax (843) 769-7397 • www.gel.com

EXHIBIT #17: 2023 SCIIP Grant Press Release - County celebrated \$10M Pump Station #4 expansion. → *Motive: monetization of Lot 10's annexation into federal funds.*

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SC RIA Awards over \$18 Million to Dorchester County for Infrastructure

Post Date: 05/04/2023 9:21 AM

SC RIA Awards over \$18 Million to Dorchester County for Infrastructure

South Carolina's Rural Infrastructure Authority recently awarded over 200 grants totaling over \$1.3 billion to local governments and public water and sewer utilities within the S.C. Infrastructure Investment Program (SCIIP). According to SCIIP, funds were granted to "modernize and upgrade critical facilities that will have far-reaching impacts for years to come."

Dorchester County has been awarded \$18,665,407 in the form of two grants from SCIIP. These grants will help improve the County's water and wastewater infrastructure to address the growing needs of the County. The first grant provides \$10 million dollars for the construction of the Pump Station 4 and Force Main Project. This project includes the construction of a 30-inch replacement force main and the expansion of Pump Station 4 and will address capacity and reliability issues in the Orangeburg Road Area and accommodate future growth.

The second grant provides \$8,665,407 for the construction of the first phase of the Water Interconnection Project. This project addresses the increased water demand occurring in the Ridgeville-Givhans area by providing a connection to water from the Lake Marion Regional Water System. This new 16-inch water line originates at the Ridgeville Industrial Campus and terminates at a connection into the County's water line on Highway 27 south of Ridgeville. The first phase which comprises of 6 miles of 16-inch pipe will be extended to the Pine Hill Industrial Park on US 17A in Phase 2.

"Dorchester County is ecstatic to be awarded these grants that support two critical infrastructure projects that address the growing water and wastewater needs of our community. This \$18 million award from SCIIP provides over 75% of the total cost needed for both projects which is a significant savings to the county," says Dorchester County Council Chairman Todd Friddle. "We also appreciate the Dorchester County State Delegation including Representative Cobb-Hunter, Representative Murphy, Representative Gatch, Representative Robbins, Representative Brewer, and Senator Bennett who worked together and supported these projects."

[Return to full list >>](#)

12	13	FILED - RECORDED RMC/146 MAY 19 2005 DORCHESTER COUNTY, SC
<p>Dorchester County Planning Commission</p> <p>FINAL PLAN APPROVED</p> <p><i>Ed Carter</i></p> <p>MAY 19 2005</p>		<p>K-151</p> <p>#159</p>
<p>PLANNING DEPARTMENT STAMP</p>		

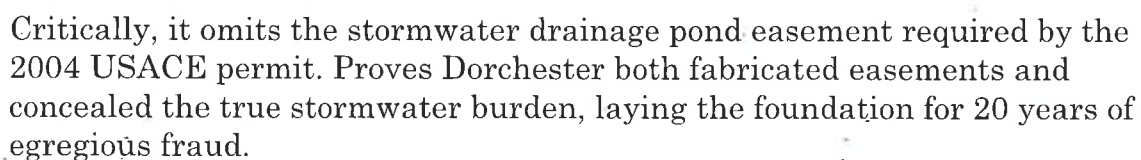


EXHIBIT #19: 2016 ALTA Title Report of Lot 10

American Land Title Association

Commitment for Title Insurance
Adopted 08-01-2016

CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B - Part II

Office File Number: REYES 19-390

Commitment Number: REYES 19-390

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not ensure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

Exceptions

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part 1 – Requirements are met.
2. Rights or claims of parties in possession not shown by the Public Records.
3. Any encroachment, encumbrance, violation or adverse circumstances affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
4. Easements, or claims of easements, not shown by the Public Records.
5. Any lien, or right to a lien, for services, labor or material heretofore furnished, imposed by law and not shown by the Public Records.

Above exceptions 1-5 will be deleted from final loan policy

6. Taxes and assessments for the year 2020, and subsequent years, which are a lien but are not yet due and payable.
7. Declaration of Restrictive Covenants recorded November 9, 2004, in Book 4415, Page 149, in the ROD Office for Dorchester County.
8. The matters contained in the document shown below which, among other things, may contain or provide for: easements, liens for liquidated damages, private charges or assessments, option to purchase, right of first refusal, or the prior approval of a future purchaser or occupant, and covenants, conditions, and restrictions, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document.

This page is only a part of a 2016 ALTA® Commitment for Chicago Title Insurance Company. This Commitment is not valid without the Notice: the Commitment to Issue Policy; the Commitment Conditions: Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions.

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- a) Entitled: Declaration of Covenants, Conditions, Restrictions and Easements for Hillside Farms Subdivision
Recording Date: April 10, 2006
Recording No: Book 5295, Page 283, in the ROD Office for Dorchester County.

NOTE: On mortgagee policy only: This policy insures that as of the date hereof said restrictions have not been violated and that a future violation thereof will not result in a reversion or forfeiture of Title to the Land.

9. Property Line Agreement between John D. Kennedy and Leah V. Kennedy, and Susie M. Knight, Patricia E. Knight, now known as Patricia Y. Knight Garmendia and Linda S. K. Horres, recorded June 2, 2004, in Book 4168, Page 72, in the ROD Office for Dorchester County.
10. Title to Water System to Dorchester County Water Authority recorded June 16, 2005, in Book 4757, Page 266, in the ROD Office for Dorchester County.
11. Bill of Sale to Dorchester County Public Works recorded June 16, 2005, in Book 4757, Page 269, in the ROD Office for Dorchester County.
12. Title to Sewer System to Dorchester County Public Works recorded June 16, 2005, in Book 4757, Page 312, in the ROD Office for Dorchester County.
13. Grant of Easement (Sanitary Sewer) recorded in Book 4168, Page 84, in the ROD Office for Dorchester County.
14. Grant of Easement (Sewer) to Dorchester County Public Works recorded in Book 4362, Page 035, in the ROD Office for Dorchester County.
15. No insurance is afforded as to the exact amount of acreage contained in the Land.
16. Easements, rights-of-way, or other matters appearing of record on that certain plat recorded in Plat Book K, Page 151; Plat Book K, Page 120; and Plat Book K, Page 103, in the ROD Office for Dorchester County.
17. Specific Exception is made to the following items as found on that certain plat entitled "HILLSIDE FARMS SUBDIVISION FINAL SUBDIVISION PLAT MEASUREING [sp] AND CONTAINING 15 088 ACRES LOCATED NEAR KNIGHTSVILLE IN DORCHEATER [sp] COUNTY SOUTH CAROLINA SURVEYED AT THE REQUEST OF CHRIS NICHOLS" prepared by General Engineering & Environmental, LLC dated April 11, 2005, and recorded May 19, 2005, in Plat Book K, Page 151 (#159), in the ROD Office for Dorchester County:
- a) 20' Wetland Buffer (Varies);
- b) 5' General Utility Easement (Typ.);
- c) 10' Utility Easement (Typ.);
- d) Danielle Lane 50' Right-Of-Way;
- e) Building setbacks: Front 25', Rear 30', Side 5', Corner 12' (Note 14);
- f) No grand trees to be removed on site (Note 15);

This page is only a part of a 2016 ALTA[®] Commitment for Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions.



- g) Wetlands;
- h) New 4' wide sidewalk will be provided along the southern side of Danielle Road (Note 9);
- i) 20' Drainage Easement;
- j) New 20' Sewer Easement;
- k) 20' Drainage Easement; and
- l) Hoffman Lane 50' Right-Of-Way.

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APPENDIX C: USDC-Charleston Court Order (Doc: 190)

2:21-cv-00520-DCN

Date Filed 08/21/23

Entry Number 190

Page 1 of 25

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

CRISELDA REYES and EMMANUEL)
REYES,)

Plaintiffs,)

vs.)

No. 2:21-cv-00520-DCN-MGB

DORCHESTER COUNTY OF SOUTH)
CAROLINA and MIKE GOLDSTON,)
JASON CARRAHER, JASON L. WARD,)
and JOHN FRAMPTON, *all in their*)
individual and official capacities,)

ORDER

Defendants.)
_____)

This matter is before the court on Magistrate Judge Mary Gordon Baker's report and recommendation ("R&R"), ECF No. 171, that the court deny plaintiffs' motion for summary judgment, ECF No. 120, grant defendants' motion for summary judgment, ECF No. 154, and dismiss the action with prejudice. For the reasons set forth below, the court adopts the R&R in full.

I. BACKGROUND

This case arises out of the alleged improper regulation of a single-family home lot located in Hillside Farms Subdivision in Dorchester County, South Carolina (the "Premises"). Plaintiff Criselda Reyes has been the continuous owner of the Premises since purchasing it in December 2019. In December 2019, she, along with plaintiff Emmanuel Reyes (together, the "Reyeses"), examined the closing escrow documents with their closing attorney. According to the amended complaint, there were only two

recorded drainage easements on the Premises, and the Premises' backyard stormwater ditch was not recorded or deeded for public use.

The Reyeses have utilized the Premises as their primary residence since March 2020. In March 2020, the Reyeses started experiencing overflowing stormwaters arising from a stormwater ditch—a 130-foot-long ditch in the Premises' backyard that accumulated stagnant stormwater and allegedly posed health risks to the Reyeses. In May 2020, the Reyeses activated a Federal Emergency Management Agency ("FEMA") flood insurance policy to protect their home from overflowing stormwaters, and in June 2020, they installed artificial grass in the Premises' backyard as a deterrent to the stormwater that was retained in the ditch. The artificial grass was unsuccessful in controlling the flooding. In July 2020, contractors discovered that the root cause of the improper drainage was a "tennis ball-size[d] hole" on the bottom of the precast concrete box that was buried under two feet of mud. Id. ¶ 17 (cleaned up).

On July 24, 2020, the Reyeses contacted the Dorchester County Public Works Department and requested that they "connect the drainage pipe by installing 135 feet . . . of HDPE corrugated pipe to the stormwater box" to control the flooding from storms. ECF No. 164-6 at 2. Defendant Mike Goldston, a Dorchester County Public Works Engineer, responded that the Reyeses' property "has a stormwater pond on the rear of the property that serves Hillside Farms. As owner of this property you are responsible to maintain the pond." Id. Goldston attached a summary of maintenance requirements for the stormwater pond.

In August 2020, the Reyeses hired contractors who recommended connecting the two recorded drainage easements with stormwater drainage pipes to solve the stormwater

intrusions. The contractors began the maintenance and documented it through its completion. The Reyeses did not obtain a permit from Dorchester County to fill in the stormwater pond. ECF No. 154-8.

On September 1, 2020, the Reyeses allegedly witnessed and video-recorded two unidentified individuals—one of whom was later identified in the amended complaint as Goldston—entering the back of the Premises through the neighboring properties. The two individuals proceeded to conduct an allegedly “unlawful search and surveillance of the Premises.” ECF No. 14, Amend. Compl. ¶ 19. In a letter dated September 1, 2020, Goldson sent the Reyeses a “Notice of Violation” (“NOV”) wherein he wrote that based on an inspection conducted on September 1, 2020, the Reyeses were in “direct violation of the Dorchester County Stormwater Management Program Ordinance #07-21” (“Ordinance 07-21”) for filling in the stormwater pond. Ordinance 07-21 states, in relevant part: “No person shall create a blockage of an open channel or pipe system used to convey or transport stormwater runoff from one property to another separately owned property.” *Id.* ¶ 13 (quoting Ordinance 07-21 § 3.2(c)) (emphasis in original). The NOV stated that fines up to \$1,000 per day could be assessed for failure to restore the pond to its original condition. ECF No. 120-1 at 5. Goldson sent a second letter on September 9, 2020, indicating that after another inspection conducted on September 8, 2020, the stormwater pond had not been restored and the Reyeses were fined \$1,000 “and are subject to fines up to one thousand dollars . . . per violation/day from the date of the NOV.” ECF No. 120-1 at 6.

In September 2020, the Reyeses appealed the NOV to defendants John Frampton (“Frampton”), the County Attorney for Ordinance Enforcement, and Jason L. Ward

(“Ward”), a county administrator. On September 30, 2020, Ward responded that the Reyeses’ appeal of the NOV had been reviewed and denied. Id. at 7–8.

In October 2020, the Reyeses invited Goldston and Frampton to the Premises to identify a “common-sense” solution. Id. ¶ 24. Goldston and Frampton accepted the invitation, but allegedly claimed at the meeting that they would pursue criminal charges unless the stormwater pond was fully restored. On November 12, 2020, Goldston sent the Reyeses a fourth letter indicating that they had failed to appeal the denial and Dorchester County would resume assessing \$1,000 per day in fines; however, Dorchester County would be willing to forgive the civil penalties if the Reyeses completely restored the stormwater pond within thirty days. ECF No. 120-1 at 9–10. On December 22, 2020 Frampton sent a letter to the Reyeses’ attorney dismissing their claim that no easement existed over the stormwater management facility and stating that the civil penalties would continue to accrue. Id. at 11.

On March 9, 2021, the South Carolina Department of Health and Environmental Control (“DHEC”) sent its own NOV to the Reyeses, copying Goldman, explaining that Dorchester County officials had informed DHEC of violations to DHEC’s regulations concerning proper maintenance of stormwater management. ECF No. 120-1 at 2. The letter stated that the Reyeses had fifteen days to respond with how they planned to address the restoration of the detention pond or risk an enforcement action.

On February 19, 2021, the Reyeses, proceeding pro se, filed the instant action against defendants. Pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Civil Rule 73.02(B)(2)(g) (D.S.C), all pretrial proceedings in this case were referred to Magistrate Judge Baker. On April 12, 2021, the Reyeses filed their amended complaint, now the

operative complaint, Amend. Compl. On March 18, 2022, the court granted in part and denied in part defendants' motion to dismiss. ECF No. 58, amended by ECF No. 66. As a result, the claims against the following defendants remain pending: (1) § 1983 claims against Dorchester County for failure to train under the Fourth Amendment and for regulatory taking under the Fifth and Fourteenth Amendments; (2) § 1983 claims against Goldston for unlawful searches under the Fourth Amendment and for regulatory taking under the Fifth and Fourteenth Amendments; and (3) § 1983 claims against Ward and Frampton for regulatory taking under the Fifth and Fourteenth Amendments.

On January 20, 2023, the Reyeses filed their motion for summary judgment. ECF No. 120. Defendants responded in opposition on February 8, 2023, ECF No. 133, and the Reyeses replied on February 21, 2023, ECF No. 142. With leave of the court, defendants filed a sur-reply on April 20, 2023. ECF No. 165. On March 15, 2023, defendants filed their motion for summary judgment. ECF No. 154. The Reyeses responded on April 17, 2023, ECF No. 164, and defendants replied on April 24, 2023, ECF No. 166. On May 9, 2023, the Reyeses filed a motion to appoint a master pursuant to Federal Rule of Civil Procedure 53, ECF No. 167, and defendants filed a response on May 10, 2023, ECF No. 170. On May 11, 2023, Magistrate Judge Baker issued the R&R, recommending that the deny the Reyeses' motion for summary judgment, grant defendants' motion for summary judgment, and deny the motion to appoint a master. ECF No. 171, R&R. On May 30, 2023, the Reyeses filed their objections to the R&R, ECF No. 174. Defendants responded to the objections on June 19, 2023, ECF No. 178, and the Reyeses replied on July 11, 2023, ECF No. 184. As such, the matter is now ripe for the court's review.

II. STANDARD

A. Order on R&R

This court is charged with conducting a de novo review of any portion of the magistrate judge's R&R to which specific, written objections are made. 28 U.S.C. § 636(b)(1). A party's failure to object is accepted as agreement with the conclusions of the magistrate judge. See Thomas v. Arn, 474 U.S. 140, 149–50 (1985). The recommendation of the magistrate judge carries no presumptive weight, and the responsibility to make a final determination rests with this court. Mathews v. Weber, 423 U.S. 261, 270–71 (1976). The court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge . . . or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1). The court is charged with making a de novo determination of any portion of the R&R to which a specific objection is made. Id. However, in the absence of a timely filed, specific objection, the court reviews the R&R only for clear error. Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (citation omitted). Furthermore, “[a] party's general objections are not sufficient to challenge a magistrate judge's findings.” Greene v. Quest Diagnostics Clinical Labs., Inc., 455 F. Supp. 2d 483, 488 (D.S.C. 2006) (citation omitted). When a party's objections are directed to strictly legal issues “and no factual issues are challenged, de novo review of the record may be dispensed with.” Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982) (citation omitted). Analogously, de novo review is unnecessary when a party makes general and conclusory objections without directing a court's attention to a specific error in a magistrate judge's proposed findings. Id.

B. Motion for Summary Judgment

Summary judgment shall be granted if the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine dispute as to any material fact and that the movant is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c). “By its very terms, this standard provides that the mere existence of some alleged factual dispute between the parties will not defeat an otherwise properly supported motion for summary judgment; the requirement is that there be no genuine issue of material fact.” Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247–48 (1986). “Only disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment.” Id. at 248. “[S]ummary judgment will not lie if the dispute about a material fact is ‘genuine,’ that is, if the evidence is such that a reasonable jury could return a verdict for the nonmoving party.” Id. “[A]t the summary judgment stage the judge’s function is not himself to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial.” Id. at 249. The court should view the evidence in the light most favorable to the non-moving party and draw all inferences in its favor. Id. at 255.

C. Pro Se Litigants

Plaintiffs are proceeding pro se in this case. Pro se complaints and petitions should be construed liberally by this court and are held to a less stringent standard than those drafted by attorneys. See Gordon v. Leeke, 574 F.2d 1147, 1151 (4th Cir. 1978), cert. denied, 439 U.S. 970, 99 (1978). A federal district court is charged with liberally construing a complaint or petition filed by a pro se litigant to allow the development of a potentially meritorious case. See Hughes v. Rowe, 449 U.S. 5, 9 (1980). Liberal

construction, however, does not mean that the court can ignore a clear failure in the pleading to allege facts that set forth a cognizable claim. See Weller v. Dep't of Soc. Servs., 901 F.2d 387, 390–91 (4th Cir. 1990).

III. DISCUSSION

The following categories of claims remain pending: (1) a regulatory taking claim based on a violation of the Fifth and Fourteenth Amendment asserted against Dorchester County, Goldston, Ward, and Frampton, and (2) an unlawful search claim in violation of the Fourth Amendment asserted against Goldston and Dorchester County. The court analyzes both categories of claims in turn.

A. Regulatory Taking

Count IV of the amended complaint alleges that Ordinance 07-21 is a regulation that effectively takes the Reyeses' private property for public use, without just compensation, in violation of the Fifth Amendment's takings clause. Amend. Compl. ¶ 48(d). The amended complaint alleges that the Dorchester County officials' communications and demands based on Ordinance 07-21 also constituted a taking. Id. ¶ 48(e).

The court previously determined that the Reyeses are alleging a partial taking. ECF No. 66 at 12. A partial taking occurs when a regulation burdens an owner's property but does not deprive an owner of all economic use of its property. Murr v. Wisconsin, 137 S. Ct. 1933, 1942–43 (2017); United States v. Banisadr Bldg. Joint Venture, 65 F.3d 374, 378 (4th Cir. 1995) (explaining that a partial taking occurs when “the Government has taken one part of a larger tract, leaving the remainder to the

landowner”). The court previously denied defendants’ motion to dismiss the Reyeses’ partial taking claim. ECF No. 66 at 30.

After the parties had the benefit of discovery, the magistrate judge recommended granting summary judgment in defendants’ favor. In reaching that conclusion, the magistrate judge analyzed the factors articulated in Penn Central Transportation Co. v. City of New York, 438 U.S. 104 (1978). Courts apply the Penn Central factors when there is a partial taking—i.e., “when a regulation such as a zoning ordinance causes substantial economic harm but does not deprive the landowner’s property of all economic value.” Adams v. Village of Wesley Chapel, 259 F. App’x 545, 549 (4th Cir. 2007). Under Penn Central, the court must balance “‘a complex of factors,’ including (1) the economic impact of the regulation on the claimant; (2) the extent to which the regulation has interfered with distinct investment-backed expectations; and (3) the character of the governmental action.” Murr, 137 S. Ct. at 1237 (quoting Palazzolo v. Rhode Island, 533 U.S. 606, 617 (2001)). “The first two factors—economic effects and investment-backed expectations—are ‘primary among those factors.’” Clayton Farm Enters., LLC v. Talbot Cnty., 987 F.3d 346, 353 (4th Cir. 2021) (quoting Lingle v. Chevron, U.S.A., Inc., 544 U.S. 528, 538–39 (2005)). Since the Reyeses object to the magistrate judge’s application of the test, the court addresses each factor de novo and ultimately finds that the test does not support finding a taking.

1. Economic Impact

In the Fourth Circuit, prevailing on the economic impact factor “requires that a plaintiff allege that the challenged regulation caused a substantial diminution in value to the regulated property.” Blackburn v. Dare Cnty., 58 F.4th 807, 812 (4th Cir. 2023),

petition for cert. filed, (Apr. 28, 2023) (citing Clayland Farm Enters., LLC v. Talbot Cnty., 987 F.3d 346, 354 (4th Cir. 2021)) (emphasis in original). The court previously allowed the Reyeses' takings claim to proceed, finding that the complaint had made threshold allegations that Ordinance 07-21 prevented necessary maintenance on land—which caused the Reyeses to purchase FEMA flood insurance—and otherwise diminished the property value of the land. ECF No. 66 at 28. In their motion for summary judgment, defendants respond to those allegations, arguing that the Reyeses have failed to provide any evidence that (1) they ever paid the premium for the insurance policy, (2) the Ordinance caused them to activate the insurance policy, (3) that they suffered health risks or made payments to health care providers related to said risks, or (4) the property value of the Premises was otherwise diminished.

The magistrate judge agreed on each point. First, the magistrate judge noted that although the Reyeses had produced a “Preferred Risk Policy Application” for a one-year insurance policy starting on May 13, 2020, with a premium of \$516.00, there was no evidence that the Reyeses ultimately paid that premium. R&R at 11 (citing ECF No. 164-7). Second, even if they had paid the premium, the amount would not rise to the level of constituting a substantial diminution in value. Id. Third, although the Reyeses produced photos of the backyard ditch filled with stormwater prior to when they filled in the stormwater pond, they produced no evidence of the monetary impact caused by the alleged health risks. Id. (citing ECF No. 164-8). Fourth, although the Reyeses provided a supporting “letter” from an individual named John Duffy (“Duffy”)—who is purportedly a “licensed and registered[] professional engineer,” ECF No. 164-11—the Reyeses never designated him as an expert, R&R at 11–12. Additionally, Duffy visited

the Premises approximately two years after the Reyeses had already filled in the stormwater pond, and he failed address the monetary impact of the issues that he identified. R&R at 12.

In response,¹ the Reyeses argue that the magistrate judge failed to consider evidence that they paid their insurance premium, claiming to “again attach the Flood Insurance Policy and Receipt of payment.” ECF No. 174 at 3. The court notes that the new exhibit adds a receipt page that was not in the original exhibit considered by the magistrate judge. Compare ECF No. 164-7, with ECF No. 174-1 at 4. In any case, the Reyeses miss the forest from the trees. The chief issue was not whether the Reyeses took out the policy but whether they proved that doing so caused a diminution in value—the magistrate judge found there was no substantial diminution even if the premium had been paid. The Reyeses encounter a similar issue when they argue (for the first time) that the alleged government taking has caused them to pay taxes on land for which they do not enjoy the use. ECF No. 174 at 3. Plaintiffs ignore the crux of the magistrate judge’s analysis, which is that plaintiffs failed to prove that Ordinance 07-21 caused a substantial diminution in the value of the Premises. R&R at 12 (citing Clayland Farm, 987 F.3d at 354 (holding that the first factor weighed against the plaintiffs when they alleged only a 40% diminution in value)); see also Pulte Home Corp., v. Montgomery Cnty., 271 F. Supp. 3d 762, 776–77 (D. Md. 2017) (finding that the plaintiffs had “not pleaded with

¹ For good reason, the Reyeses appear to have abandoned the argument that they suffered a diminution in property value based on the fines that were levied. See ECF No. 164 at 7. As the court previously noted, “the issue of economic impact ‘is not wholly reducible to the imposition of fines.’” ECF No. 66 at 28 (quoting Leon v. Hayward Bldg. Dep’t, 2017 WL 3232486, at *6 (N.D. Cal. July 31, 2017)). In any case, the magistrate correctly noted that there is no evidence that defendants ever sought to collect any of the assessed fines. R&R at 11.

specificity how much the value of their property was diminished” and that even if they had, courts have declined to find a taking in cases where plaintiffs have shown as high as an “81% percent diminution in value”). In the absence of any specific argument about the amount that the Reyeses claim to have lost, the factor weighs in defendants’ favor.

2. Investment-Backed Expectations

Under the second factor, the court examines “the extent to which the regulation has interfered with distinct investment-backed expectations . . . founded on a preexisting property right.” Blackburn, 58 F.4th at 813 (internal quotation marks and citations omitted). Those expectations must “be reasonable given the current use of the property.” Id. (citing Quinn v. Bd. of Cnty. Comm’rs, 862 F.3d 433, 442–43 (4th Cir. 2017)).

The Reyeses argue that they had an investment-backed expectation that there were no encumbrances on the Premises when they purchased it. The magistrate judge found that viewed in the light most favorable to the Reyeses, it was reasonable to believe that they were not aware that the ditch on the property was a stormwater pond subject to Ordinance 07-21 and that they would not be allowed to maintain or alter the stormwater pond. R&R at 14. The magistrate judge also determined that viewed in the light most favorable to the Reyeses, there was no strong evidence that they should have reasonably anticipated such a regulation would exist given that the Premises are not in a flood zone or other inherently-dangerous area. Id. Nevertheless, the magistrate found that the ability to alter the ditch in the backyard was not an investment-backed expectation that the Reyeses should have affirmatively held. In other words, the fact that the Reyeses were not aware that the ditch was a stormwater pond cut against them, too, because it meant they could not assert that they invested in the Premises specifically with the

expectation that they would be allowed to alter the ditch. Id. at 14–15 (citing Columbia Venture, L.L.C. v. Richland Cnty., 776 S.E.2d 900, 914 (S.C. 2015)); see also Nance v. City of Albemarle, 520 F. Supp. 3d 758, 799 (M.D.N.C. 2021) (holding that without the building permit ever in hand, the plaintiffs could not claim that a revocation of the right to build constituted the loss of an investment-backed expectation).

The Reyeses fail to object to the substance of the recommendation. The Reyeses reference a portion of the R&R noting that the neighborhood Property Owners' Association president, Charles Halderman ("Halderman"), stated he noticed increased water flow in his own backyard after the Reyeses filled in their stormwater pond. R&R at 18; ECF No. 133-3 ¶ 6. The magistrate judge made this observation under its analysis of the third Penn Central factor, specifically to note that the Reyeses actions created a nuisance. R&R at 17–18. The Reyeses claim the magistrate judge overlooked the fact that Halderman has a "[b]ack yard river" behind his property, ECF No. 174 at 4, but the Reyeses' objection is misdirected. The Reyeses fail to direct any arguments to the magistrate judge's conclusions regarding their own investment-backed expectations—namely, that the Reyeses did not invest in the Premises specifically with the expectation that they would be allowed to alter the ditch. In the absence of a relevant objection, the court adopts the magistrate judge's finding on the second Penn Central factor and finds that it weighs in defendants' favor.

3. Character of the Governmental Action

In general, the third Penn Central factor asks courts to determine if the governmental action "amounts to a physical invasion or instead merely affects property interests through some public program adjusting the benefits and burdens of economic

life to promote the common good.” Lingle, 544 U.S. at 539 (internal quotation marks and citation omitted). The Fourth Circuit has explained that the precise application of this factor is “a little fuzzy,” and as such “courts have treated this factor as an open-ended inquiry into whatever considerations they think are most relevant in each specific case.” Blackburn, 58 F.4th at 813.²

Both parties coalesce around arguing that the important considerations here involve whether Ordinance 07-21 serves the public interest or, conversely, whether the ordinance violates South Carolina’s common enemy rule. The court finds that those considerations are interrelated. Ostensibly, if plaintiffs can show that Ordinance 07-21 conflicts with the common enemy rule, the ordinance would not be in the public interest. “South Carolina follows the common enemy rule which allows a landowner to treat surface water as a common enemy and dispose of it as he sees fit.” Silvester v. Spring Valley Country Club, 543 S.E.2d 563, 566 (S.C. Ct. App. 2001) (citing Glenn v. Sch. Dist. No. Five of Anderson Cnty., 366 S.E.2d 47, 49 (S.C. Ct. App. 1988)). As defendants note, South Carolina law also recognizes an exception to the common enemy rule: a landowner “may not use his land in a manner to create a nuisance.” Glenn, 366

² In Lucas v. South Carolina Coastal Council, 505 U.S. 1003 (1992), the Supreme Court declined to weigh public versus private interests when determining whether a regulatory taking had been effected, holding instead that a regulatory taking would require compensation unless the regulation proscribed a nuisance. But in 2001, the Supreme Court clarified that the applicability of Lucas was limited to “total” or permanent takings. Palazzolo, 533 U.S. at 615–16. As such, under the Penn Central test for partial takings, courts are permitted to look to the public purposes served by the government’s regulatory actions. See id. at 634 (O’Connor, J., concurring) (“The purposes served, as well as the effects produced, by a particular regulation inform the takings analysis.”); see also Penn Central, 438 U.S. at 127 (“[A] use restriction on real property may constitute a ‘taking’ if not reasonably necessary to the effectuation of a substantial public purpose . . . or perhaps if it has an unduly harsh impact upon the owner’s use of the property.”).

S.E.2d at 49. Under South Carolina law, a nuisance is a substantial and unreasonable interference with another's use and enjoyment of his property. Silvester, 543 S.E.2d at 566.

Applying this framework, the magistrate judge determined that the common enemy rule did not apply because the Reyeses created a nuisance by filling in the stormwater pond. In addition to the statement from Halderman discussed above, Ward—the county administrator—explained to the Reyeses that “[b]y piping the existing dry detention basin,” they had “increased the volume and rate of discharge of stormwater into the wetland as well as prevented the removal of pollutants from the stormwater prior to discharge into the wetland.” ECF No. 120-1 at 8. Again, the Reyeses argue in their objections that Halderman has a “back yard river” behind his property, ECF No. 174 at 4,³ but even if that assertion is true, it is unclear what the import of the argument is. Assuming the Reyeses are correct that their neighbor has a waterway of some kind in his property, Halderman's statement is evidence that he experienced an increased amount of water on his property following the Reyeses' construction work. See ECF No. 133-3 ¶ 6 (“Since Lot 10 filled in the retention pond, I have noticed an increase[] in water during heavy rains on the rear of our property . . .”).

The Reyeses also argue that Ward's letter contains “no supporting scientific facts” to back the assertion that the Reyeses created a nuisance. But that appears to be more the case with the Reyeses, who offer no supporting documentation whatsoever showing that

³ In support, the Reyeses attach a screenshot from a YouTube video titled “Back yard river” that was purportedly posted by Halderman. ECF No. 174-3. This document appears to have been produced for the first time in the Reyeses' objections, and as the court further explains, does not alter the court's decision.

their actions did not interfere with the use of another's land. As such, the court agrees with the magistrate judge that no reasonable juror could determine that the Reyeses used their land in a way that was consistent with the common enemy rule.

Even if the creation of a nuisance were a disputed issue, there is supporting evidence that Ordinance 07-21 otherwise serves the public interest. The magistrate judge determined that the ordinance furthered its stated purposes of controlling pollution and flooding and protecting “the health and welfare of the citizens, environment, and economy of Dorchester County.” R&R at 16, 20. The magistrate concluded that the purpose of the ordinance was to essentially prevent nuisances like flooding and pollution, and as such, there was “no inherent conflict between the common enemy rule and Ordinance 07-21.” *Id.* at 18. The Reyeses do not argue in the objections that the stated purposes of the ordinance are invalid. Instead, they raise several claims suggesting that the ordinance otherwise had an unduly harsh impact on them and did not serve the public interest. First, they claim that a “Performance and Maintenance Bond” (the “Bond”) paid by the Dorchester County’s Public Works Department proves that Dorchester County took thirty percent of the Premises without just compensation. ECF No. 174 at 4–5. Second, they argue that Dorchester County lacks authority to regulate wetlands pursuant to United States Supreme Court precedent.

As a preliminary matter, both arguments are raised for the first time⁴ in the Reyeses’ objections and are thus untimely. See Addison v. CMH Homes, Inc., 47 F.

⁴ In their original response to defendants’ motion for summary judgment, the Reyeses had instead argued that Dorchester County selectively enforced Ordinance 07-21 by discriminating against Asian-Americans, like the Reyeses, during the COVID-19 pandemic. ECF No. 164 at 8. The magistrate judge found that based on the record, there was no evidence that Ordinance 07-21 unfairly burdened the Reyeses. R&R at 19. The

Supp. 3d 404, 412 (D.S.C. 2014) (stating that the court has no obligation to consider new arguments a party raises for the first time in her objections to an R&R). Even if the court were to consider the arguments, the court finds that they fail to move the needle. First, the Reyeses' argument about the Bond is misguided. They refer to a letter sent by a third-party engineer to the Dorchester County Public Works Department providing bond amounts based on the "fair market value of the construction [costs]." ECF No. 174-5. Among other costs, the staff engineer modeled costs for "296 LF" of 24-inch diameter storm drainage outfall structures. Id. The Reyeses seem to believe that Dorchester County "only installed 52 LF" of those structures, and instead of building outfall structures adjacent to the Premises, "built an undocumented . . . stormwater dry detention ditch" on the Premises. ECF No. 174. But none of those assertions are supported by the document. The letter itself shows construction costs for the entire subdivision; there is no evidence that the projects were never completed, must less that the projects were supposed to be on the Reyeses' Premises. The court overrules the objection.

Second, the Reyeses argue that Dorchester County lost the authority to regulate stormwater facilities after the Supreme Court issued its recent decision in Sackett v. EPA, 143 S. Ct. 1322 (2023). The Reyeses cite the following portion of the Supreme Court's opinion:

In sum, we hold that the [Clean Water Act] extends to only those wetlands that are "as a practical matter indistinguishable from waters of the United States." [Rapanos v. United States, 547 U.S. 715, 755 (2006) (plurality opinion)]. This requires the party asserting jurisdiction over adjacent wetlands to establish "first, that the adjacent [body of water constitutes] . . . 'water[s] of the United States,' (i.e., a relatively permanent body of water connected to traditional interstate navigable waters); and

Reyeses do not object to the finding or otherwise reraise the argument, and the court finds no clear error in the magistrate judge's conclusion.

second, that the wetland has a continuous surface connection with that water, making it difficult to determine where the ‘water’ ends and the ‘wetland’ begins.” Id., at 742[.]

Id. at 1341. The Reyeses argue that since Ordinance 07-21 derives its authority from the Clean Water Act—and “there is no water on the Plaintiff’s property” or “continuous surface connection to . . . ‘waters of the United States’”—the holding in Sackett effectively curtails Dorchester County’s authority to regulate the stormwater pond. ECF No. 174 at 6.

Sackett has no applicability to the instant matter. The case concerns a federal agency’s (i.e., the EPA) authority to regulate wetlands. The Supreme Court specifically explained that “States can and will continue to exercise their primary authority to combat water pollution by regulating land and water use.” Sackett, 143 S. Ct. at 1344. In reply, the Reyeses argue that Dorchester County “simultaneously shares the regulation of Wetlands with the Federal Government.” ECF No. 184 at 4. The Reyeses provide no support for the assertion. At best, the ordinance was enacted to comply with the county’s obligations under the Clean Water Act, ECF No. 154-42 at 6, but there is no reason to find that the Supreme Court’s holding applies here. Therefore, the court need not determine whether the Premises qualify as “waters of the United States” and overrules the objection.

Since the court finds under a de novo review that Ordinance 07-21 is harmonious with South Carolina’s common enemy rule and further serves the goals of pollution control and other interests, the third Penn Central factor weighs in defendants’ favor. Based on the three factors, the court finds that the Reyeses have not shown a taking under the Fifth Amendment and grants summary judgment in defendants’ favor on that claim.

B. Fourth Amendment

Count II of the amended complaint alleges that Dorchester County violated the Fourth Amendment pursuant to 42 U.S.C. § 1983 due to a failure to train its officials regarding warrantless entries onto the private properties of Dorchester County citizens. Amend. Compl. ¶¶ 35–39. Count III alleges that Goldston⁵ violated the Fourth and Fourteenth Amendment pursuant to 42 U.S.C. § 1983 by entering the Reyeses' private property without an administrative warrant, consent, or legal justification. Amend. Compl. ¶¶ 40–46.

The court considers the claims in reverse order, starting with the claim against Goldston. Since the court adopts the R&R and finds that Goldston did not commit a Fourth Amendment violation—and thus there was no underlying constitutional violation—the court finds below that both Goldston and Dorchester County are entitled to summary judgment on Counts III and II, respectively.

1. Goldston

The amended complaint alleges that in the early afternoon of September 1, 2020, Goldston and an unidentified colleague entered the Reyeses' private property through neighboring lots to conduct an unlawful search and surveillance of the Premises. Amend. Compl. ¶ 19. The amended complaint further alleges that Goldston and the colleague again entered the property on September 8, 2020, and on other dates. *Id.* ¶ 41. During

⁵ Count III originally alleged that along with Goldston, defendants Carraher, Ward, and Frampton also engaged in similar wrongdoing. The court dismissed the count as alleged against Carraher, Ward, and Frampton for failure to state claim. ECF No. 66 at 22.

summary judgment proceedings, the parties only produced evidence of a visit on September 1, and the Reyeses no longer aver that other visits occurred.

In their motion for summary judgment, defendants advanced several reasons why a “search” subject to the Fourth Amendment’s guarantee against unreasonable search and seizure did not occur on that date. First, under the plain-view (or open-view) doctrine, no Fourth Amendment violation occurred. ECF No. 154 at 18. Second, no Fourth Amendment search occurred based on the test outlined in Katz v. United States, 389 U.S. 347 (1967). Id. at 20. Third, to the extent a search occurred, Goldston’s actions were shielded under qualified immunity and good faith. Id. at 22.

The magistrate judge considered defendants’ first argument and determined that since Goldston was standing on or next to an easement and was viewing open fields, no Fourth Amendment violation occurred. R&R at 28–30. The magistrate judge therefore did not need to consider the remaining bases for summary judgment. The Reyeses object to the magistrate judge’s finding, and the court reviews the issue below.

The issue of whether an individual has a legitimate expectation of privacy turns upon whether the area “was within the curtilage of the house or, conversely, was an ‘open field’ not subject to the protection of the Fourth Amendment.” United States v. Breza, 308 F.3d 430, 435 (4th Cir. 2002) (citing Oliver v. United States, 466 U.S. 170, 180 (1984)). This rule stems from the principle that “[w]hat a person knowingly exposes to the public, even in his own home or office, is not a subject of Fourth Amendment protection.” Katz, 389 U.S. at 351. To decide whether a search occurred within the curtilage or open fields, courts consider four factors: (1) the proximity of the area to the home, (2) the presence of an enclosure connecting the property to the home, (3) how the

property is used, and (4) steps taken to prevent observation of the area by passers-by.

United States v. Vankesteren, 553 F.3d 286, 289 (4th Cir. 2009) (citing United States v. Dunn, 480 U.S. 294, 301 (1987)) (referenced by the magistrate judge and the parties as the “Dunn factors”).

Before turning to the Reyeses’ objections, the court finds it instructive to clarify the R&R’s precise finding. When deposed, Goldston claimed that he knew there was a twenty-foot-wide drainage easement granted to Dorchester County Public Works running along the boundary separating the Premises (Lot 10) and a neighboring lot (Lot 9). ECF No. 120-4 at 13, Goldston Dep. at 13:9–17. Goldston testified that he obtained permission from the owners of the neighboring properties to walk across their properties to access the easement. Id. at 15, Goldston Dep. at 15:8–24. As such, Goldston believed he was permitted to stand on the land from where he viewed the Premises. In their motions, the parties disagreed on whether Goldston was standing on an easement. To support their position that Goldston was on the easement, defendants produced a copy of the “Hillside Farms Final Subdivision Plat,” which depicts a twenty-foot-wide drainage easement separating Lots 9 and 10. ECF No. 133-1 at 24. The Reyes countered that they measured the drainage pipe and found that it was forty-five feet long, meaning “it did not match the recorded plat of a 20-foot drainage easement, so [Goldston] was not on an easement; he was on [the Reyeses’] property.”⁶ ECF No. 165-8 at 2, Emmanuel Dep. at 118:15–18.

⁶ The magistrate judge expressed some confusion over this argument, which the court shares. R&R at 24 n.9. But like the magistrate judge explained, the issue does not alter the court’s decision. Id. Therefore, although the court finds the subdivision plat to be convincing evidence that the easement existed as Goldston described it, the court does not resolve the issue as a matter of law.

The magistrate judge acknowledged the dispute over whether Goldston was standing within an easement, and importantly, reached a recommendation without resolving the issue one way or the other. The magistrate judge determined that “[e]ven if the strip of land [where Goldston stood] did not fall within an easement,” the area was still part of an open field, meaning the Reyeses had no reasonable expectation of privacy there. R&R at 29–30; see also id. at 30 (“Based on the foregoing, the undersigned finds the strip of land on which Goldston made his observations constituted an open field for purposes of the Fourth Amendment.”).⁷

In their objections, the Reyeses misconstrue the R&R. They claim that the R&R “wrongly concluded that Goldston was . . . standing on the unmarked easement[]” and instead should have found that Goldston had entered the Reyeses’ property. ECF No. 174 at 7. As outlined above, that was not the conclusion of the R&R. The magistrate judge found that even if the strip of land where Goldston stood on was not an easement, that area was still part of the open fields.⁸ Based on the Dunn factors, there was no Fourth Amendment violation stemming from Goldston’s presence on the land, even if it

⁷ The Reyeses moved to appoint a special master to help determine the boundaries of the easement, ECF No. 167, and the magistrate judge recommended denying the motion, R&R at 32. Based on the court’s reading of 28 U.S.C. § 636(b)(1)(A), the magistrate was permitted to decide whether to appoint a master as a pretrial matter. In the interest of efficiency, the court adopts the recommendation and finds that Rule 53 does not provide for the appointment of a master here.

⁸ The Reyeses confusion is somewhat understandable, but as courts have noted, one’s visit to property can “perhaps [be] a trespass” but “not a search under the Fourth Amendment.” Widgren v. Maple Grove Twp., 429 F.3d 575, 580 (6th Cir. 2005); see Reeves Bros., Inc. v. EPA, 956 F. Supp. 665, 669 (W.D. Va. 1995) (“[A]n action that would be trespass under the common law, does not give rise to a Fourth Amendment violation.”).

were only near the easement, and he did not conduct an unlawful search by observing the stormwater pond from that position. R&R at 30.

Beyond arguing that Goldston stepped onto their land, the Reyeses only cursorily argue that the magistrate judge improperly applied the Dunn factors. Under the first factor—the proximity of the area to the home—they argue that Goldston was not standing on an easement. ECF No. 174 at 7. Again, that argument is not germane since the magistrate judge did not definitively find that the area was an easement. Under the second factor—the presence of an enclosure connecting the property to the home—the Reyeses argue that Goldston “had to walk through about four private property Lots” to reach the area. Id. at 8. The magistrate judge considered this very argument and determined that the second factor did not weigh in either party’s favor. R&R at 29. The Reyeses do not object to the magistrate judge’s findings under the third and fourth factors. Although the court does not find that the Reyeses have raised any new legal objections, the court notes that even under a de novo review, the court agrees that the factors weigh in defendants’ favor. Most notably, the fourth factor—steps taken to prevent observation of the area—leans strongly in defendants’ favor. This factor weighs against finding a curtilage where “nothing prevent[s] the public from viewing the area,” including a “chain link fence [to] stop neighbors in adjacent properties.” United States v. Alexander, 888 F.3d 628, 634 (2d Cir. 2018). In the light most favorable to the Reyeses, Goldston may have stepped onto their property, but the Reyeses had not done anything to prevent observation of the area. The area was part of an open field, meaning the Reyeses had no expectation of privacy there.

In sum, the court finds that regardless of whether Goldston was standing on an easement when he observed the stormwater pond, Goldston did not conduct a “search” that violated the Fourth Amendment. Accordingly, the court grants summary judgment in defendants’ favor on the claim against Goldston.

2. Dorchester County

A claim against a municipality for failure to train cannot lie “where there is no underlying constitutional violation by the employee.” Johnson v. Balt. Police Dep’t, 500 F. Supp. 3d 454, 459–60 (D. Md. 2020); see City of L.A. v. Heller, 475 U.S. 796, 799 (1996) (“[N]either Monell . . . nor any other of our cases authorizes the award of damages against a municipal corporation based on the actions of one of its officers when the jury has concluded that the officer inflicted no constitutional harm.”); Anderson v. Caldwell Cnty. Sheriff’s Off., 524 F. App’x 854, 862 (4th Cir. 2013) (“No actionable claim against supervisors or local governments can exist without a constitutional violation committed by an employee.”). The Reyeses provide no legal objection to that principle of law. Since the court finds that Goldston did not commit a Fourth Amendment violation as a matter of law, the court finds that Dorchester County could not have committed a Fourth Amendment violation by failing to properly train Goldston or other employees. Therefore, the court grants summary judgment in defendants’ favor on all Fourth Amendment claims.

IV. CONCLUSION

For the foregoing reasons the court **ADOPTS** the R&R, **DENIES** plaintiffs’ motion for summary judgment, and **GRANTS** defendants’ motion for summary judgment.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'D. Norton', with a large, stylized initial 'D' and a long, sweeping horizontal stroke at the end.

**DAVID C. NORTON
UNITED STATES DISTRICT JUDGE**

**August 21, 2023
Charleston, South Carolina**

**APPENDIX D: Double-Stamped – UNPUBLISHED OPINION of COA4
(Doc: 27) and reposted by USDC-Charleston (Doc: 205)**

2:21-cv-00520-DCN Date Filed 01/14/25 Entry Number 205 Page 1 of 3

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UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-2100

CRISELDA REYES; EMMANUEL REYES,

Plaintiffs - Appellants,

v.

DORCHESTER COUNTY OF SOUTH CAROLINA; MIKE GOLDSTON,
Dorchester County Public Works Engineering Manager; JASON L. WARD,
Dorchester County Administrator; JOHN FRAMPTON, Dorchester County
Attorney,

Defendants - Appellees,

and

JASON CARRAHER, Dorchester County Public Works Director,

Defendant.

Appeal from the United States District Court for the District of South Carolina, at
Charleston. David C. Norton, District Judge. (2:21-cv-00520-DCN)

Submitted: November 15, 2024

Decided: January 14, 2025

Before WILKINSON and KING, Circuit Judges, and FLOYD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

USCA4 Appeal: 23-2100 Doc: 27 Filed: 01/14/2025 Pg: 2 of 3

Criselda Reyes, Emmanuel Reyes, Appellants Pro Se. Jonathan Joel Anderson, Jonathan Lee Anderson, ANDERSON LAW GROUP, LLC, Charleston, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

USCA4 Appeal: 23-2100 Doc: 27 Filed: 01/14/2025 Pg: 3 of 3

PER CURIAM:

Criselda and Emmanuel Reyes appeal the district court's order accepting the recommendation of the magistrate judge and denying their motion for summary judgment, granting Defendants' motion for summary judgment, and dismissing their action. We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order. *Reyes v. Dorchester Cnty.*, No. 2:21-cv-00520-DCN (D.S.C. Aug. 21, 2023). We deny as unnecessary Defendants' motion for joinder of Emmanuel Reyes as a party to this appeal, as he is already a party, and we construe the filings on appeal as made on both his and Criselda Reyes's behalf. We further deny the Reyeses' motions to correct misnomer, for joinder, to impose sanctions against Defendants' counsel, and to reconsider this court's order extending Defendants' time to respond to motion for sanctions. 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

EXHIBIT 20: Public Works Goldston Letter to Phyllis Floyd (May 28th 2019) – Dorchester County Public Works Engineering Manager Mike Goldston issued a letter to resident Phyllis Floyd (105 Hoffman Lane) falsely declaring that Hoffman Lane is a “private road.” This claim directly contradicts the 2005 Final C-1 Plat (Plat Book K-151, Page 159) and the ALTA Title Report for Lot 10, which establishes Hoffman Lane as a recorded right-of-way. The letter has been used by residents to justify an illegal gate, signage, and harassment of contractors and homeowners.



**DORCHESTER COUNTY PUBLIC WORKS
2120 EAST MAIN STREET
DORCHESTER, SC 29437**

**Mike Goldston, PE, Public Works Engineering Manager
(843) 832-0070 – 563-0070 * Fax (843) 832-0073 – 563-0073**

May 28, 2019

Phyllis Hoffinan Floyd
105 Hoffman Lane
Summerville, SC 29483

Re: Hoffman Lane

Mrs. Floyd,

The above mentioned road, Hoffman Lane, is not maintained by Dorchester County nor SC Department of Transportation. Hoffman Lane is a private road.

If you have questions or need additional information concerning this matter, do not hesitate to contact me at 843-832-0070.

Sincerely,

Mike Goldston
Public Works Engineering Manager

EXHIBIT 21: Legal Notice to Dorchester County (Sept. 15th 2025) –

Petitioners issued a formal legal notice via email to Public Works Goldston, County Attorney John Frampton, outside counsel Anderson, and the Dorchester County Council, demanding: (1) production of records regarding Hoffman Lane's right-of-way status, (2) retraction of the 2019 Goldston letter, and (3) 100% removal of the illegal gate/fencing and "private road/no trespassing" signage obstructing Hoffman Lane at the Mentor Road entrance. This notice demonstrates that Dorchester County was placed on formal notice of selective enforcement, obstruction, and harassment, refused any corrective action since 2019.

Hoffman Lane Right-of-Way / Illegal Obstructions at Mentor Road Entrance – (09/11/2025 Incident)

1 message

Good Life <erkings76@gmail.com>

Mon, Sep 15, 2025 at 2:58 PM

To: Mike Goldston <mgoldston@dorchestercountysc.gov>, John Frampton <jframpton@dorchestercountysc.gov>

Cc: "Jonathan L. Anderson" <landerson@algsc.com>, "Lona R. Conrad" <lconrad@dorchestercountysc.gov>, Bill.WRHearn@gmail.com, JByars2@dorchestercountysc.gov, ECrosby@dorchestercountysc.gov, SFiddle@dorchestercountysc.gov, RMRanck@dorchestercountysc.gov, DChinnis@dorchestercountysc.gov, PSmith@dorchestercountysc.gov

Mr. Goldston,

On May 28th 2019, you issued a letter to Phyllis Hoffman Floyd (105 Hoffman Lane) claiming that "Hoffman Lane is a private road" and "not maintained by Dorchester County or the SC Department of Transportation." This statement is contradicted by:

- 2005 Final C-1 Hillside Farms Plat (Plat Book K-151, Page 159), approved and stamped by Dorchester County, showing Hoffman Lane as a 50' right-of-way;
- 2016 ALTA Title Report for Lot 10, which confirms Hoffman Lane as a recorded right-of-way with no easement conveyance to residents; and
- 2004 U.S. Army Corps of Engineers permitted plans, which identify Hoffman Lane as subdivision ingress/egress.

Further, on September 11th 2025, homeowners and contractors repairing stormwater runoff-damaged fencing on Lot 10 were threatened by Maynard Floyd (105 Hoffman Lane), who claimed Hoffman Lane was "private," threatened to "lock up" contractors behind Hoffman Lane's illegal gate near Mentor Road, and demanded "permission" for lawful repairs. These threats were made possible because Dorchester County has tolerated and effectively ratified the obstruction of Hoffman Lane by residents who built the gate/fence, and signage ("Private Road," "No Trespassing").

DEMANDS:

1. Document Production: Within 15 days, provide all County records and legal documents supporting or contradicting your 2019 statement that Hoffman Lane is "private," including plats, easement agreements, deeds, or right-of-way dedications.
2. **Removal of Illegal Obstructions:** Immediately order and oversee the 100% removal of:
 - The Hoffman Lane's illegal gate/fence structure at the Mentor Road entrance;
 - All resident signage purporting to restrict Hoffman Lane as "private" or barring lawful use of the recorded right-of-way.
3. Public correction of County Record: Retract or correct your May 28th, 2019 letter, which has been used to justify ongoing harassment, intimidation, and obstruction against the Reyes family and their contractors.

NOTICE:

Failure to comply will result in immediate legal action in state and federal court against Hoffman Lane residents, Dorchester County, and its officials. This Notice will be included in the court record as evidence of fraudulent misrepresentation, obstruction of a recorded right-of-way, and ongoing county-sponsored animus harassment and retaliation towards the Reyes family since March of 2020.

Sincerely,

/s/ Mr. & Ms. Reyes
Hillside Farms, Lot 10
SCOTUS Pro Se Petitioners

 Private Road Letter - Hoffman 2.pdf
122K







End of Emergency Application