

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Ralph King Anderson, III

ALC Case No. 22-ALJ-04-0054-AP
Appellate Case No. 2022-000916

JAMES ANTHONY PRIMUS, # 252315,

APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

RESPONDENT.

**MOTION TO STRIKE APPELLANT'S INITIAL BRIEF AND DESIGNATION OF
MATTER**

Comes now Respondent, through undersigned counsel, and moves to strike Appellant's Initial Brief and Designation of Matter. The grounds for this motion are as follows. When Appellant filed his Notice of Appeal, he submitted, as the order under appeal, an Order of Dismissal signed by Administrative Law Judge Ralph King Anderson, III, dated June 17, 2022. This submission conferred jurisdiction for this Court to consider an appeal only from this particular order. In his Motion to Proceed in Forma Pauperis, he also references Judge Anderson's name and the ALJ case number associated with Judge Anderson's order. However, in Appellant's Initial Brief and Designation of Matter, he references an order signed by Administrative Law Judge Robert L. Reibold dated May 24, 2022, and in his Brief, he makes

arguments regarding Judge Reibold's order. Since this Court does not have jurisdiction to consider a completely different order that has not been appealed, Respondent respectfully requests that this Court strike Appellant's Initial Brief and Designation of Matter.

Respondent also respectfully requests that this Court hold all deadlines in abeyance pending resolution of this Motion.

Respectfully submitted,

**SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS**

BY:



CHRISTINA CATOE BIGELOW

Deputy General Counsel

Office of General Counsel

S.C. Department of Corrections

Post Office Box 21787

Columbia, South Carolina 29221

(803) 896-8508

ATTORNEY FOR RESPONDENT

September 15, 2022

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Sep 15 2022

SC Court of Appeals

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RESPONDENT.

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that on today's date, she mailed a copy of the Respondent's **Motion to Strike Appellant's Initial Brief and Designation of Matter** to Appellant via U.S. Mail addressed as follows: **James Anthony Primus, # 252315, MacDougall Correctional Institution, 1516 Old Gilliard Road, Ridgeville, South Carolina 29472.**



Christina Catoe Bigelow
Deputy General Counsel
Office of General Counsel
S. C. Department of Corrections
Post Office Box 21787
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September 15, 2022



SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS
Safety, Service, and Stewardship

HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

RECEIVED

Sep 15 2022

SC Court of Appeals

September 15, 2022

The Honorable Jenny A. Kitchings
Clerk of Court, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: James A. Primus, # 252315, v. South Carolina Department of Corrections
Appellate Case No. 2022-000916

Dear Ms. Kitchings:

Enclosed please find Respondent's **Motion to Strike Appellant's Initial Brief and Designation of Matter**, along with a **Certificate of Service**. The same is being mailed to Appellant today.

Thank you for your attention to this matter, and please do not hesitate to contact me should there be any questions or concerns.

Sincerely,

Christina Catoe Bigelow
Deputy General Counsel
South Carolina Department of Corrections
S.C. Bar No. 73562

cc: James Anthony Primus, # 252315
MacDougall Correctional Institution
1516 Old Gilliard Road
Ridgeville, South Carolina 29472